



3 1761 11970493 0



Digitized by the Internet Archive
in 2023 with funding from
University of Toronto

<https://archive.org/details/31761119704930>

CA1
XC33
-J96

HOUSE OF COMMONS OF CANADA
38th PARLIAMENT, 1st SESSION



MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON JUSTICE, HUMAN RIGHTS,
PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Chair: Paul DeVillers.

Meeting No. 1

Wednesday, October 13, 2004

ORDER OF THE DAY:

The Clerk of the Committee presided over the election of a Chair.

MEMBERS OF THE COMMITTEE PRESENT:

Diane Bourgeois,
Garry Breitkreuz,
Hon. Roy Cullen,
Hon. Paul DeVillers,
John Maloney,
Richard Marceau,
Anita Neville,
Myron Thompson
and Mark Warawa.

ACTING MEMBERS PRESENT:

Navdeep Bains for Hon. Paul Harold Macklin,
Bev Desjarlais for Joe Comartin,
and Paul Forseth for Vic Toews.

IN ATTENDANCE:

Parliamentary Information and Research Service:
Philip Rosen, Principal Analyst;
Robin MacKay, Analyst.



House of Commons:

Bibiane Ouellette, Committee Clerk.

Diane Diotte
Clerk of the Committee

Français

MINUTES OF PROCEEDINGS

Meeting No. 1

Wednesday, October 13, 2004

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met at 3:37 p.m. this day, in Room 371 West Block, for the purpose of electing a Chair, pursuant to Standing Order 106(1).

Members of the Committee present: Diane Bourgeois, Garry Breitkreuz, Hon. Roy Cullen, Hon. Paul DeVillers, John Maloney, Richard Marceau, Anita Neville, Myron Thompson and Mark Warawa.

Acting Members present: Navdeep Bains for Hon. Paul Harold Macklin, Bev Desjarlais for Joe Comartin and Paul Forseth for Vic Toews.

In attendance: Parliamentary Information and Research Service: Philip Rosen, Principal Analyst; Robin MacKay, Analyst. *House of Commons:* Bibiane Ouellette, Committee Clerk.

The Clerk of the Committee presided over the election of the Chair.

Anita Neville moved, — That Paul DeVillers be elected Chair of the Committee.

Anita Neville also moved, — That John Maloney be elected Chair of the Committee.

Pursuant to Standing Order 106(3), the election was conducted by secret ballot.

The ballots having been counted, Paul DeVillers was declared duly elected Chair.

The Clerk of the Committee presided over the election of the Vice-Chairs.

On motion of Myron Thompson, it was agreed, — That Garry Breitkreuz be elected as Official Opposition Vice-Chair of the Committee.

On motion of Diane Bourgeois, it was agreed, — That Richard Marceau be elected as Opposition Vice-Chair of the Committee.

Paul DeVillers took the Chair.

On motion of Roy Cullen, it was agreed, — That the Committee retain the services of one or more analysts from the Library of Parliament, as needed, to assist the Committee in its work, at the discretion of the Chair.

Paul Forseth moved, — That the Subcommittee on Agenda and Procedure be composed of the Chair, the two (2) Vice-Chairs, and a member of the other opposition party .

After debate, the question was put on the motion and it was agreed to, by a show of hands: YEAS: 10; NAYS: 2.

It was agreed, — That the Chair be authorized to hold meetings to receive and publish evidence when a quorum is not present provided that at least three (3) members are present, including a member of the opposition.

It was agreed, — That, if requested, reasonable travel, accommodation and living expenses be reimbursed to witnesses not exceeding one (1) representative per organization; and that, in exceptional circumstances, payment for more representatives be at the discretion of the Chair.

On motion of Richard Marceau, it was agreed, — That the Clerk of the Committee be authorized to distribute to the members of the Committee documents only when they exist in both official languages and that no document from a witness be distributed without the Clerk's approval.

It was agreed, — That the Clerk of the Committee be authorized to make the necessary arrangements to provide for working meals for the Committee.

It was agreed, — That one copy of the transcript of all *in camera* meetings be kept in the Committee Clerk's office for consultation by members of the Committee.

It was agreed, — That, unless otherwise ordered, each Committee member be allowed to have one staff person present at *in camera* meetings.

Richard Marceau moved, — That witnesses be given ten (10) minutes to make their opening statement; That, at the discretion of the Chair, during the questioning of witnesses, there be allocated seven (7) minutes to the first questioner of each party, starting with the Opposition parties; and that thereafter, three (3) minutes be allocated to each subsequent questioner, alternating between Government and Opposition parties.

Debate arose thereon.

Paul Forseth moved, — That the motion be amended by deleting the words "alternating between Government and Opposition parties".

After debate, the question was put on the motion, as amended, and it was agreed to, by a show of hands: YEAS: 6; NAYS: 4.

It was agreed, — That, when a Private Members' Business Bill is referred to the Committee, it be placed on the Agenda and that its sponsor be invited to appear before the Committee.

Paul Forseth moved, — That witnesses be advised that, when they appear before the Committee, they will be sworn-in by the Clerk.

After debate, by unanimous consent, the motion was withdrawn.

It was agreed, — That the swearing-in issue be considered, case by case, when a witness is invited to appear before the Committee.

On motion of John Maloney, it was agreed, — That, except for amendments to bills, forty-eight (48) hours' notice be given before any substantive motion is considered by the Committee; and That the motion be filed with the Clerk of the Committee and circulated to members in both official languages.

At 4:17 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte
Clerk of the Committee

2004/10/14 4:22 p.m.

E-mail to

ORDER OF THE DAY:

Pursuant to the Order of Business of Friday, October 15, 2004, the Committee commenced consideration of Bill C-46, An Act to amend the Department of Public Safety and Emergency Preparedness and to amend to repeal certain parts.

MEMBERS OF THE COMMITTEE PRESENT:

Garry Davis
Joe Cavanagh
Miss Ray Collins
Hon. Paul DeVries
Hon. Paul Hogg
John Mahoney
Angie Nash
Myles Thompson
Vic Toews
and Mark Warawa

ACTING MEMBERS PRESENT:

Paul Mackay for Myles Thompson
and George Brown for Vic Toews

IN ATTENDANCE:

Library of Parliament

HOUSE OF COMMONS OF CANADA
38th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON JUSTICE, HUMAN RIGHTS,
PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Chair: Paul DeVillers:

Meeting No. 2

Wednesday, October 27, 2004

ORDER OF THE DAY:

Pursuant to the Order of Reference of Friday, October 15, 2004, the Committee commenced consideration of Bill C-6, An Act to establish the Department of Public Safety and Emergency Preparedness and to amend or repeal certain Acts.

MEMBERS OF THE COMMITTEE PRESENT:

Garry Breitkreuz,
Joe Comartin,
Hon. Roy Cullen,
Hon. Paul DeVillers,
Hon. Paul Harold Macklin,
John Maloney,
Anita Neville,
Myron Thompson,
Vic Toews
and Mark Warawa.

ACTING MEMBERS PRESENT:

Peter MacKay for Myron Thompson,
and Serge Ménard for Diane Bourgeois.

IN ATTENDANCE:

Library of Parliament:

Philip Rosen, Principal Analyst.

APPEARING:

Hon. Anne McLellan, Minister of Public Safety and Emergency Preparedness.

WITNESSES:

Department of the Solicitor General (Public Safety and Emergency Preparedness):

Margaret Bloodworth, Deputy Minister;
Paul Kennedy, Senior Assistant Deputy Minister, Emergency Management and National Security;
Patricia Hassard, Assistant Deputy Minister, Policing, Law Enforcement and Interoperability;
Kimber Johnston, Director General, Strategic Policy.

Diane Diotte
Clerk of the Committee

MINUTES OF PROCEEDINGS

Meeting No. 2

Wednesday, October 27, 2004

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met in a televised session at 3:35 p.m. this day, in Room 269 West Block, the Chair, Paul DeVillers, presiding.

Members of the Committee present: Garry Breitkreuz, Joe Comartin, Hon. Roy Cullen, Hon. Paul DeVillers, Hon. Paul Harold Macklin, John Maloney, Anita Neville, Myron Thompson, Vic Toews and Mark Warawa.

Acting Members present: Peter MacKay for Myron Thompson and Serge Ménard for Diane Bourgeois.

In attendance: Library of Parliament: Philip Rosen, Principal Analyst.

Appearing: Hon. Anne McLellan, Minister of Public Safety and Emergency Preparedness.

Witnesses: Department of the Solicitor General (Public Safety and Emergency Preparedness): Margaret Bloodworth, Deputy Minister; Paul Kennedy, Senior Assistant Deputy Minister, Emergency Management and National Security; Patricia Hassard, Assistant Deputy Minister, Policing, Law Enforcement and Interoperability; Kimber Johnston, Director General, Strategic Policy.

Pursuant to the Order of Reference of Friday, October 15, 2004, the Committee commenced consideration of Bill C-6, An Act to establish the Department of Public Safety and Emergency Preparedness and to amend or repeal certain Acts.

The Minister made a statement and, with the other witnesses, answered questions.

At 4:45 p.m., the sitting was suspended.

At 4:52 p.m., the sitting resumed in a public meeting.

At 5:30 p.m., the Committee considered matters related to its future business.

The Chair presented the First Report from the Subcommittee on Agenda and Procedure which read as follows:

The Subcommittee met on Wednesday, October 20, 2004 and agreed to make the following recommendations:

That the Minister of Justice be invited to appear before the Committee, after the tabling of the Government of Canada's response to the Committee's report tabled on May 10, 2004, entitled "Improving the Supreme Court of Canada Appointment Process", to explain the response.

That Bill C-6, *An Act to establish the Department of Public Safety and Emergency Preparedness and to amend or repeal certain Acts*, be the first order of business, followed by Bill C-10, *An Act to amend the Criminal Code (mental disorder) and to make consequential amendments to other Acts*.

That the Minister of Public Safety and Emergency Preparedness and the officials of the Department be invited to appear before the Committee on Wednesday, October 27th, 2004, to discuss Bill C-6.

That the Minister of Justice and the Minister of Public Safety and Emergency Preparedness be invited to appear before the Committee concerning the Main Estimates.

That the Committee meet on Mondays and Wednesdays from 3:30 p.m. to 5:30 p.m. and, when necessary, extend the duration of the meetings.

Anita Neville moved, - That the report of the Subcommittee be concurred in.

After debate, the question was put on the motion and it was agreed to.

It was agreed, - That the clerk of the Committee start inviting witnesses concerning Bill C-10, *An Act to amend the Criminal Code (mental disorder) and to make consequential amendments to other Acts*.

At 5:44 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte
Clerk of the Committee

2004-10-29 2:59 p.m.

E-mail to

HOUSE OF COMMONS OF CANADA
38th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON JUSTICE, HUMAN RIGHTS,
PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Chair: Paul DeVillers.

Meeting No. 3

Monday, November 1, 2004

ORDER OF THE DAY:

Pursuant to the Order of Reference of Friday, October 22, 2004, the Committee [commenced / resumed] consideration of Bill C-10, An Act to amend the Criminal Code (mental disorder) and to make consequential amendments to other Acts.

MEMBERS OF THE COMMITTEE PRESENT:

Diane Bourgeois,
Garry Breitkreuz,
Joe Comartin,
Hon. Roy Cullen,
Hon. Paul DeVillers,
Richard Marceau,
Anita Neville,
Myron Thompson
and Mark Warawa.

ACTING MEMBERS PRESENT:

Hon. Hedy Fry for John Maloney,
and Jim Prentice for Vic Toews.

IN ATTENDANCE:

Parliamentary Information and Research Service:
Philip Rosen, Principal Analyst;

Wade Raaflaub, Analyst.

APPEARING:

Hon. Irwin Cotler, Minister of Justice.

WITNESSES:

Department of Justice:

Catherine Kane, Senior Counsel, Criminal Law Policy Section.

Diane Diotte
Clerk of the Committee

Français

MINUTES OF PROCEEDINGS

Meeting No. 3

Monday, November 1, 2004

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met in a televised session at 4:08 p.m. this day, in Room 269 West Block, the Chair, Paul DeVillers, presiding.

Members of the Committee present: Diane Bourgeois, Garry Breitkreuz, Joe Comartin, Hon. Roy Cullen, Hon. Paul DeVillers, Richard Marceau, Anita Neville, Myron Thompson and Mark Warawa.

Acting Members present: Hon. Hedy Fry for John Maloney and Jim Prentice for Vic Toews.

In attendance: Parliamentary Information and Research Service: Philip Rosen, Principal Analyst; Wade Raaflaub, Analyst.

Appearing: Hon. Irwin Cotler, Minister of Justice.

Witnesses: Department of Justice: Catherine Kane, Senior Counsel, Criminal Law Policy Section.

Pursuant to the Order of Reference of Friday, October 22, 2004, the Committee commenced consideration of Bill C-10, An Act to amend the Criminal Code (mental disorder) and to make consequential amendments to other Acts.

The Minister made a statement and, with the other witness, answered questions.

At 5:28 p.m., the sitting was suspended.

At 5:33 p.m., the sitting resumed in camera.

It was agreed, — That the Privacy Commissioner of Canada be invited to appear before the Committee in relation to Bill C-6, on Wednesday, November 3, 2004.

It was agreed, — That the proposed operational budget of the Committee for its study of Bill C-10 in the amount of \$19,500 be adopted and that the Chair present the said budget to the Budget Sub-Committee of the Liaison Committee.

It was agreed, — That the Committee hear a witness *in camera*, that the name of the witness not appear on the Notice or in the Minutes of the meeting, and that the brief submitted by the witness be considered as secret.

It was agreed, — That the Chair of the Committee write a letter to the Minister of Justice asking that the government provide the Committee with a detailed response to the May and August reports on the appointment of Supreme Court Judges, addressing both the recommendations and the dissenting opinions, by the end of November 2004.

At 5:55 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte
Clerk of the Committee

2004-11-02 2:50 p.m.

E-mail to

HOUSE OF COMMONS OF CANADA
38th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON JUSTICE, HUMAN RIGHTS,
PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Chair: Paul DeVillers, Lib.

Meeting No. 4

Wednesday, November 3, 2004

ORDER OF THE DAY:

Pursuant to the Order of Reference of Friday, October 15, 2004, the Committee commenced consideration of Bill C-6, An Act to establish the Department of Public Safety and Emergency Preparedness and to amend or repeal certain Acts

MEMBERS OF THE COMMITTEE PRESENT:

Garry Breitkreuz
Joe Comartin
Hon. Roy Cuilen
Hon. Paul DeVillers
Hon. Paul Harold Macklin
John Maloney
Anita Neville
Myron Thompson
Vic Toews
Mark Warawa

ACTING MEMBERS PRESENT:

Stéphane Bergeron for Diane Bourgeois
Gary Carr for Paul Harold Macklin
Peter MacKay for Garry Breitkreuz
Serge Ménard for Richard Marceau

WITNESSES:

Office of the Privacy Commissioner of Canada:

Jennifer Stoddart, Privacy Commissioner of Canada;
Heather Black, Assistant Privacy Commissioner ;
Raymond D'Aoust, Assistant Privacy Commissioner .

*Department of the Solicitor General (Public Safety and Emergency
Preparedness):*

Paul Kennedy, Senior Assistant Deputy Minister,
Emergency Management and National Security;
Patricia Hassard, Assistant Deputy Minister, Policing,
Law Enforcement and Interoperability;
Kimber Johnston, Director General, Strategic Policy.

Department of Justice:

Bill Pentney, Assistant Deputy Attorney General.

Diane Diotte
Clerk of the Committee

MINUTES OF PROCEEDINGS

Meeting No. 4

Wednesday, November 3, 2004

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met at 3:41 p.m. this day, in Room 209 West Block, the Chair, Paul DeVillers, presiding.

Members of the Committee present: Garry Breitkreuz, Joe Comartin, Hon. Roy Cullen, Hon. Paul DeVillers, Hon. Paul Harold Macklin, John Maloney, Anita Neville, Myron Thompson, Vic Toews and Mark Warawa.

Attending Members present: Stéphane Bergeron for Diane Bourgeois, Gary Carr for Paul Harold Macklin, Peter MacKay for Garry Breitkreuz and Serge Ménard for Richard Marceau.

Witnesses: *Office of the Privacy Commissioner of Canada:* Jennifer Stoddart, Privacy Commissioner; Heather Black, Assistant Privacy Commissioner; Raymond D'Aoust, Assistant Privacy Commissioner. *Department of the Solicitor General (Public Safety and Emergency Preparedness):* Paul Kennedy, Senior Assistant Deputy Minister, Emergency Management and National Security; Patricia Hassard, Assistant Deputy Minister, Policing, Law Enforcement and Interoperability; Kimber Johnston, Director General, Strategic Policy. *Department of Justice:* Bill Pentney, Assistant Deputy Attorney General.

Pursuant to the Order of Reference of Friday, October 15, 2004, the Committee resumed consideration of Bill C-6, An Act to establish the Department of Public Safety and Emergency Preparedness and to amend or repeal certain Acts.

Jennifer Stoddart made a statement and, with the other witnesses from the Office of the Privacy Commissioner, answered questions.

At 4:27 p.m., the sitting was suspended.

At 4:34 p.m., the sitting resumed.

The witnesses from the Department of the Solicitor General (Public Safety and Emergency Preparedness) and the witness from the Department of Justice answered questions.

The Chair called Clause 1.

Clauses 2 to 4 inclusive carried severally.

On Clause 5,

Peter MacKay moved, — That Bill C-6, in Clause 5, be amended by replacing line 9 on page 2 with the following:

“responsible, including the Royal Canadian Mounted Police, the Canadian Security Intelligence Service, the Canada Border Services Agency, the Canadian Firearms Centre, the Correctional Service of Canada and the National Parole Board, and establish strategic priorities for”

After debate, the question was put on the amendment of Peter MacKay and it was agreed to, by a show of hands:

EAS: 7; NAYS: 4.

Serge Ménard moved, — That Bill C-6 be amended by adding after line 11 on page 2 the following new clause:

“The Minister shall exercise leadership relating to effective and consistent management and protection of personal information, in accordance with privacy protection laws and policies, by the entities for which the Minister is responsible.”

After debate, the question was put on the amendment of Serge Ménard and it was negatived, by a show of hands:
YEAS: 2; NAYS: 9.

Clause 5, as amended, carried.

On Clause 6,

Serge Ménard moved, — That Bill C-6, in Clause 6, be amended by replacing line 13 on page 2 with the following:

“performing his or her duties and functions and with due regard to the powers conferred on the provinces and territories, the”

After debate, the question was put on the amendment of Serge Ménard and it was agreed to, by a show of hands:
YEAS: 7; NAYS: 4.

Clause 6, as amended, carried.

Clauses 7 to 37 inclusive carried severally.

On Clause 38,

Serge Ménard moved, — That Bill C-6, in Clause 38, be amended by replacing lines 28 and 29 on page 16 with the following:

“38. This Act, other than sections 35 and 36, comes into force on a day”

After debate, the question was put on the amendment of Serge Ménard and it was agreed to, by a show of hands:
YEAS: 11; NAYS: 0.

Clause 38, as amended, carried.

The Short Title carried.

The Title carried.

The Bill, as amended, carried.

ORDERED, — That the Chair report the Bill, as amended, to the House.

ORDERED, — That Bill C-6, as amended, be reprinted for the use of the House at report stage.

At 5:28 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte
Clerk of the Committee

04/11/05 3:11 p.m.

[E-mail this page](#) | [Close](#)

HOUSE OF COMMONS OF CANADA
38th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON JUSTICE, HUMAN RIGHTS,
PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Chair: Paul DeVillers.

Meeting No. 5

Monday, November 15, 2004

ORDER OF THE DAY:

Pursuant to the Order of Reference of Friday, October 22, 2004, the Committee resumed consideration of Bill C-10, An Act to amend the Criminal Code (mental disorder) and to make consequential amendments to other Acts.

MEMBERS OF THE COMMITTEE PRESENT:

Garry Breitkreuz,
Joe Comartin,
Hon. Roy Cullen,
Hon. Paul DeVillers,
Hon. Paul Harold Macklin,
John Maloney,
Richard Marceau,
Anita Neville,
Vic Toews
and Mark Warawa.

IN ATTENDANCE:

Parliamentary Information and Research Service:
Wade Raaflaub, Analyst;
Philip Rosen, Principal Analyst.

WITNESSES:

British Columbia Review Board:

Bernd Walter, Chair.

Review Boards Canada:

Joe Wright, Secretary, Counsel, Ontario Review Board.

Canadian Association of Chiefs of Police:

Vincent Westwick, Co-Chair, Law Amendments Committee;

Vince Bevan, Vice-President, Chief, Ottawa Police Service;

Luc Delorme, Executive Support Officer.

Diane Diotte
Clerk of the Committee

MINUTES OF PROCEEDINGS

Meeting No. 5

Monday, November 15, 2004

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met at 3:32 p.m. this day, in Room 371 West Block, the Chair, Paul DeVillers, presiding.

Members of the Committee present: Garry Breitkreuz, Joe Comartin, Hon. Roy Cullen, Hon. Paul DeVillers, Hon. Paul Harold Macklin, John Maloney, Richard Marceau, Anita Neville, Vic Toews and Mark Warawa.

In attendance: Parliamentary Information and Research Service: Wade Raaflaub, Analyst; Philip Rosen, Principal Analyst.

Witnesses: British Columbia Review Board: Bernd Walter, Chair. *Review Boards Canada:* Joe Wright, Secretary, Counsel, Ontario Review Board. *Canadian Association of Chiefs of Police:* Vincent Westwick, Co-Chair, Law Amendments Committee; Vince Bevan, Vice-President, Chief, Ottawa Police Service; Luc Delorme, Executive Support Officer.

Pursuant to the Order of Reference of Friday, October 22, 2004, the Committee resumed consideration of Bill C-10, An Act to amend the Criminal Code (mental disorder) and to make consequential amendments to other Acts.

The witnesses made statements and answered questions.

At 4:55 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte
Clerk of the Committee

2004/11/16 9:08 a.m.

Envoyez cette page par ci

HOUSE OF COMMONS OF CANADA
38th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON JUSTICE, HUMAN RIGHTS,
PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Chair: Paul DeVillers.

Meeting No. 6

Wednesday, November 17, 2004

ORDER OF THE DAY:

Pursuant to Standing Order 81(4), the Committee commenced consideration of the Main Estimates 2004-2005: Votes 1, 5, 10, 15, 20, 25, 30, 35 and 50 under JUSTICE, referred to the Committee on Friday, October 8, 2004.

MEMBERS OF THE COMMITTEE PRESENT:

Diane Bourgeois
Garry Breitkreuz
Joe Comartin
Hon. Paul DeVillers
Hon. Paul Harold Macklin
John Maloney
Richard Marceau
Anita Neville
Vic Toews
Mark Warawa

ACTING MEMBERS PRESENT:

Rob Moore for Myron Thompson
Alan Tonks for Hon. Roy Cullen

OTHER MEMBERS PRESENT:

France Bonsant

Robert Vincent

IN ATTENDANCE:

Parliamentary Information and Research Service:

Robin MacKay, Analyst

Philip Rosen, Principal Analyst

APPEARING:

Hon. Irwin Cotler, Minister of Justice

WITNESSES:

Department of Justice:

Morris Rosenberg, Deputy Minister and Deputy Attorney General

Josée Touchette, Assistant Deputy Minister, Corporate Services

Catherine Latimer, Acting Assistant Deputy Minister

The Minister made a statement and, with the other witnesses, answered questions.

Diane Diotte
Clerk of the Committee

HOUSE OF COMMONS OF CANADA
38th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON JUSTICE, HUMAN RIGHTS,
PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Chair: Paul DeVillers, Lib.

Meeting No. 7

Monday, November 22, 2004

ORDER OF THE DAY:

Pursuant to the Order of Reference of Friday, October 22, 2004, the Committee resumed consideration of Bill C-10, An Act to amend the Criminal Code (mental disorder) and to make consequential amendments to other Acts

MEMBERS OF THE COMMITTEE PRESENT:

Garry Breitkreuz
Hon. Roy Cullen
Hon. Paul DeVillers
Hon. Paul Harold Macklin
John Maloney
Richard Marceau
Anita Neville
Myron Thompson
Vic Toews
Mark Warawa

IN ATTENDANCE:

Parliamentary Information and Research Service:
Wade Raaflaub, Analyst;
Philip Rosen, Principal Analyst.

WITNESSES:

Canadian Bar Association:

Allan Manson, Professor and Chair, Committee on Imprisonment
and Release;

Tamra L. Thomson, Director, Legislation and Law Reform.

Community Legal Assistance Society:

Daniel Soiseth, Lawyer, Mental Health Law Program.

Schizophrenia Society of Canada:

Sheila Deighton, Executive Director, Ottawa Chapter;

John Gray, President.

Criminal Lawyers' Association:

Carol Letman, Assistant Secretary.

The witnesses made a statement and answered questions.

Diane Diotte
Clerk of the Committee

MINUTES OF PROCEEDINGS

Meeting No. 7

Monday, November 22, 2004

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met at 3:32 p.m. this day, in Room 269 West Block, the Chair, Paul DeVillers, presiding.

Members of the Committee present: Garry Breitkreuz, Hon. Roy Cullen, Hon. Paul DeVillers, Hon. Paul Harold Macklin, John Maloney, Richard Marceau, Anita Neville, Myron Thompson, Vic Toews and Mark Warawa.

In attendance: Parliamentary Information and Research Service: Wade Raaflaub, Analyst; Philip Rosen, Principal Analyst.

Witnesses: Canadian Bar Association: Allan Manson, Chair, Committee on Imprisonment and Release; Tamra L. Thomson, Director, Legislation and Law Reform. *Community Legal Assistance Society:* Daniel Soiseth, Lawyer, Mental Health Law Program. *Schizophrenia Society of Canada:* John Gray, President; Cecelia Deighton, Executive Director, Ottawa Chapter. *Criminal Lawyers' Association:* Carol Letman, Assistant Secretary.

Pursuant to the Order of Reference of Friday, October 22, 2004, the Committee resumed consideration of Bill C-10, An Act to amend the Criminal Code (mental disorder) and to make consequential amendments to other Acts.

The witnesses made a statement and answered questions.

At 5:18 p.m., the sitting was suspended.

At 5:20 p.m., the sitting resumed *in camera* to discuss Committee business.

It was agreed, — That pursuant to Standing Order 108(1)(a) and (b) a Subcommittee on National Security, composed of 7 members, (3 members from the Liberal Party, 2 members from the Conservative Party of Canada, 1 member from the Bloc Québécois and 1 member from the New Democratic Party) including a Chair from the government, be established with all the powers of the Committee and pursuant to Standing Order 108(2) the mandate of the said Subcommittee shall include review and consideration of:

- all legislation introduced into Parliament by the Minister of Public Safety and Emergency Preparedness, including legislation relating to the Department of Public Safety and Emergency Preparedness Canada, Correctional Service Canada, the Canadian Security Intelligence Service, the Royal Canadian Mounted Police, the Canada Border Services Agency, the Canadian Firearms Centre, the National Parole Board, the Office of the Correctional Investigator, the Royal Canadian Mounted Police Complaints Commission and the External Review Committee of the RCMP;
- the budgets, and the propriety and efficacy of the functions performed, and the powers exercised by the Department of Public Safety and Emergency Preparedness Canada, Correctional Service Canada, the Canadian Security Intelligence Service, the Royal Canadian Mounted Police, the Canada Border

Services Agency, the Canadian Firearms Centre, the National Parole Board, the Office of the Correctional Investigator, and the Royal Canadian Mounted Police Complaints Commission;

- as required by law, the review of C-36 the Anti-terrorism Act;
- studies that the Subcommittee may approve from time to time in the areas of public safety and national security;
- the Annual Report to Parliament of the Security Intelligence Review Committee (SIRC); All Special Reports made by SIRC under section 54 of the CSIS Act; The operations of the SIRC on behalf of Parliament and any other matter related to the SIRC that the Committee may deem necessary;
- other matters as may be referred to it from time to time by the Standing Committee.

It was agreed, — That the Committee accept the invitation to visit the DNA data bank at RCMP Headquarters.

At 5:38 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte
Clerk of the Committee

2004/11/25 10:49 a.m.

Envoyez cette page par c

HOUSE OF COMMONS OF CANADA
38th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON JUSTICE, HUMAN RIGHTS,
PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Chair: Paul DeVillers.

Meeting No. 8

Wednesday, November 24, 2004

ORDER OF THE DAY:

Pursuant to Standing Order 81(4), the Committee commenced consideration of the Main Estimates 2004-2005: Votes 1, 5, 10, 15, 20, 25, 30, 35, 40, 45, 50, 55, 60, 65, 70 and 75 under SOLICITOR GENERAL (Public Safety and Emergency Preparedness) referred to the Committee on Friday, October 8, 2004.

MEMBERS OF THE COMMITTEE PRESENT:

Garry Breitkreuz,
Joe Coinartin,
Hon. Roy Cullen,
Hon. Paul DeVillers,
Hon. Paul Harold Macklin,
John Maloney,
Anita Neville,
Myron Thompson,
Vic Toews
and Mark Warawa.

ACTING MEMBERS PRESENT:

Stéphane Bergeron for Diane Bourgeois,
Peter MacKay for Vic Toews,
Peter MacKay for Mark Warawa,
and Serge Ménard for Richard Marceau.

IN ATTENDANCE:

Parliamentary Information and Research Service:

Robin MacKay, Analyst;
Philip Rosen, Principal Analyst.

APPEARING:

Hon. Anne McLellan, Minister of Public Safety and Emergency
Preparedness.

WITNESSES:

*Department of the Solicitor General (Public Safety and Emergency
Preparedness):*

Margaret Bloodworth, Deputy Minister.

Canada Firearms Centre:

Bill Baker, Commissioner.

National Parole Board:

Ian Glen, Chairperson.

Correctional Service Canada:

Don Head, Acting Commissioner.

Canada Border Services Agency:

Alain Jolicoeur, President.

Canadian Security Intelligence Service:

Dale Neufeld, Director.

Royal Canadian Mounted Police:

Giuliano Zaccardelli, Commissioner.

Diane Diotte
Clerk of the Committee

MINUTES OF PROCEEDINGS

Meeting No. 8

Wednesday, November 24, 2004

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met at 3:32 p.m. this day, in Room 306 West Block, the Chair, Paul DeVillers, presiding.

Members of the Committee present: Garry Breitkreuz, Joe Comartin, Hon. Roy Cullen, Hon. Paul DeVillers, Hon. Paul Harold Macklin, John Maloney, Anita Neville, Myron Thompson, Vic Toews and Mark Warawa.

Acting Members present: Stéphane Bergeron for Diane Bourgeois, Peter MacKay for Vic Toews, Peter MacKay for Mark Warawa and Serge Ménard for Richard Marceau.

In attendance: Parliamentary Information and Research Service: Robin MacKay, Analyst; Philip Rosen, Principal Analyst.

Appearing: Hon. Anne McLellan, Minister of Public Safety and Emergency Preparedness.

Witnesses: Department of the Solicitor General (Public Safety and Emergency Preparedness): Margaret Bloodworth, Deputy Minister. *Canada Firearms Centre:* Bill Baker, Commissioner. *National Parole Board:* Ian Glen, Chairperson. *Correctional Service Canada:* Don Head, Acting Commissioner. *Canada Border Services Agency:* Alain Jolicoeur, President. *Canadian Security Intelligence Service:* Dale Neufeld, Director. *Royal Canadian Mounted Police:* Giuliano Zaccardelli, Commissioner.

Pursuant to Standing Order 81(4), the Committee commenced consideration of the Main Estimates 2004-2005: Votes 1, 5, 10, 15, 20, 25, 30, 35, 40, 45, 50, 55, 60, 65, 70 and 75 under SOLICITOR GENERAL (Public Safety and Emergency Preparedness) referred to the Committee on Friday, October 8, 2004.

The Minister made a statement and, with the other witnesses, answered questions.

At 5:33 p.m., the sitting was suspended.

At 5:38 p.m., the sitting resumed *in camera*.

Two (2) notices of motion were given by Garry Breitkreuz

It was agreed, — To discuss the first motion of Garry Breitkreuz.

At 5:50 p.m., by unanimous consent, it was agreed, - That the Committee proceed to sit in public.

Garry Breitkreuz moved, — That Vote 20 for the Department of the Solicitor General (Public Safety and emergency Preparedness) for the Canadian Firearms Centre in the amount of \$82,080,000 be reduced by \$20,000,000.

Debate arose thereon.

At 6:16 p.m., the sitting was suspended.

At 6:22 p.m., the sitting resumed.

By unanimous consent, it was agreed, — That consideration of the motion be postponed until 5:30 p.m. on Monday, November 29, 2004.

On motion of Joe Comartin, it was agreed, — That, pursuant to Standing Order 108, there be established a Subcommittee on Solicitation laws, as defined in the Criminal Code, composed of five (5) members, including a Chair from the government, to be named by the Committee and one member from each of the recognized parties in the House; that the Subcommittee have all of the powers of the Committee under Standing Order 108(1)(a), except the power to report directly to the House.

At 6:24 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte
Clerk of the Committee

2004/11/25 4:04 p.m.

E-mail tl

HOUSE OF COMMONS OF CANADA
38th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON JUSTICE, HUMAN RIGHTS,
PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Chair: Paul DeVillers, Lib.

Meeting No. 9

Monday, November 29, 2004

ORDERS OF THE DAY:

Pursuant to the Order of Reference of Friday, October 22, 2004, the Committee resumed consideration of Bill C-10, An Act to amend the Criminal Code (mental disorder) and to make consequential amendments to other Acts

The Committee proceeded to the consideration of matters related to Committee business

Pursuant to Standing Order 81(4), the Committee resumed consideration of the Main Estimates 2004-2005: Votes 1, 5, 10, 15, 20, 25, 30, 35 and 50 under JUSTICE, Votes 1, 5, 10, 15, 20, 25, 30, 35, 40, 45, 50, 55, 60, 65, 70 and 75 under SOLICITOR GENERAL (Public Safety and Emergency Preparedness) and Vote 55 under PRIVY COUNCIL for the fiscal year ending March 31, 2005

ORDERED, on division — That the Chair reports to the House of Commons Votes 1, 5, 10, 15, 20, 25, 30, 35 and 50 under JUSTICE, Votes 1, 5, 10, 15, 20, 25, 30, 35, 40, 45, 50, 55, 60, 65, 70 and 75 under SOLICITOR GENERAL (Public Safety and Emergency Preparedness) and Vote 55 under PRIVY COUNCIL in the Main Estimates 2004-2005 for the fiscal year ending March 31, 2005, and reports the same less the amounts granted in Interim Supply

MEMBERS OF THE COMMITTEE PRESENT:

Garry Breitkreuz
Joe Comartin
Hon. Roy Cullen
Hon. Paul DeVillers
Hon. Paul Harold Macklin

John Maloney
Richard Marceau
Anita Neville
Mark Warawa

ACTING MEMBERS PRESENT:

Réal Ménard for Diane Bourgeois
Serge Ménard for Richard Marceau
Rob Moore for Vic Toews
Monte Solberg for Myron Thompson

IN ATTENDANCE:

Parliamentary Information and Research Service:
Wade Raaflaub, Analyst;
Philip Rosen, Principal Analyst.

WITNESSES:

Centre for Addictions and Mental Health:
Padraig Darby, Doctor and Deputy Clinical Director, Law and
Mental Health Program; Chair, Research Ethics Board.

Barreau du Québec:
Nicole Dufour, Lawyer, Research and Legislation Service;
Lucie Joncas, Lawyer.

Canadian Mental Health Association:
Richard B. Drewry, Chair, Legal Issues Network;
Penelope Marrett, Chief Executive Officer.

Diane Diotte
Clerk of the Committee



MINUTES OF PROCEEDINGS

Meeting No. 9

Monday, November 29, 2004

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met at 3:30 p.m. this day, in Room 269 West Block, the Chair, Paul DeVillers, presiding.

Members of the Committee present: Garry Breitkreuz, Joe Comartin, Hon. Roy Cullen, Hon. Paul DeVillers, Hon. Paul Harold Macklin, John Maloney, Richard Marceau, Anita Neville and Mark Warawa.

Acting Members present: Réal Ménard for Diane Bourgeois, Serge Ménard for Richard Marceau, Rob Moore for Vic Toews and Monte Solberg for Myron Thompson.

In attendance: Parliamentary Information and Research Service: Philip Rosen, Principal Analyst; Wade Raaflaub, Analyst.

Witnesses: Centre for Addictions and Mental Health: Padraig Darby, Deputy Clinical Director, Law and Mental Health Program, Chair, Research Ethics Board. *Barreau du Québec:* Nicole Dufour, Lawyer, Research and Legislation Service; Lucie Joncas, Lawyer. *Canadian Mental Health Association:* Penelope Marrett, Chief Executive Officer; Richard B. Drewry, Chair, Legal Issues Network.

Pursuant to the Order of Reference of Friday, October 22, 2004, the Committee resumed consideration of Bill C-10, An Act to amend the Criminal Code (mental disorder) and to make consequential amendments to other Acts.

The witnesses made statements and answered questions.

At 4:40 p.m., the sitting was suspended.

At 4:45 p.m., the sitting resumed *in camera*.

The Committee proceeded to the consideration of matters related to Committee business.

At 4:53 p.m., the sitting was suspended.

At 4:54 p.m., the sitting resumed in a public meeting.

Pursuant to Standing Order 81(4), the Committee resumed consideration of the Main Estimates 2004-2005: Votes 1, 5, 10, 15, 20, 25, 30, 35 and 50 under JUSTICE; Votes 1, 5, 10, 15, 20, 25, 30, 35, 40, 45, 50, 55, 60, 65, 70 and 75 under SOLICITOR GENERAL (Public Safety and Emergency Preparedness) and Vote 55 under PRIVY COUNCIL for the fiscal year ending March 31, 2005.

Garry Breitkreuz moved, — That Vote number 20 for the Department of the Solicitor General (Public Safety and Emergency Preparedness) for the Canada Firearms Centre in the amount of \$82,080,000, less the amount granted in Interim Supply, be reduced by \$20,000,000.

After debate, the question was put on the motion and it was negatived on the following recorded division: YEAS: Garry Breitkreuz, Rob Moore, Monte Solberg, Mark Warawa — 4; NAYS: Joe Comartin, Roy Cullen, Paul Harold Macklin, John Maloney, Réal Ménard, Serge Ménard, Anita Neville — 7.

ORDERED, on division — That the Chair report Votes 1, 5, 10, 15, 20, 25, 30, 35 and 50 under JUSTICE; Votes 1, 5, 10, 15, 20, 25, 30, 35, 40, 45, 50, 55, 60, 65, 70 and 75 under SOLICITOR GENERAL (Public Safety and Emergency Preparedness) and Vote 55 under PRIVY COUNCIL in the Main Estimates 2004-2005 for the fiscal year ending March 31, 2005, and reports the same less the amounts granted in Interim Supply.

At 5:31 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte
Clerk of the Committee

2004/11/30 2:55 p.m.

Envoyez cette page par ci

HOUSE OF COMMONS OF CANADA
38th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON JUSTICE, HUMAN RIGHTS,
PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Chair: Paul DeVillers.

Meeting No. 10

Wednesday, December 1, 2004

ORDERS OF THE DAY:

The Committee proceeded to the consideration of matters related to Committee business.

Pursuant to the Order of Reference of Friday, October 22, 2004, the Committee resumed consideration of Bill C-10, An Act to amend the Criminal Code (mental disorder) and to make consequential amendments to other Acts.

MEMBERS OF THE COMMITTEE PRESENT:

Garry Breitkreuz,
Joe Comartin,
Hon. Roy Cullen,
Hon. Paul DeVillers,
Hon. Paul Harold Macklin,
John Maloney,
Richard Marceau,
Anita Neville,
Vic Toews
and Mark Warawa.

ACTING MEMBER PRESENT:

Rob Moore for Myron Thompson.

IN ATTENDANCE:

Parliamentary Information and Research Service:

Wade Raaflaub, Analyst.

Library of Parliament:

Philip Rosen, Principal Analyst.

WITNESSES:

Psychiatric Patient Advocate Office:

Nils Riis, Legal Counsel, Ministry of Health and Long-Term Care (Ontario);

David Simpson, Program Manager, Ministry of Health and Long-Term Care (Ontario).

Empowerment Council:

Jennifer Chambers, Coordinator, Co-Chair, Mental Health Legal Advocacy Coalition.

Diane Diotte
Clerk of the Committee

MINUTES OF PROCEEDINGS

Meeting No. 10

Wednesday, December 1, 2004

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met *in camera* at 3:34 p.m. this day, in Room 269 West Block, the Chair, Paul DeVillers, presiding.

Members of the Committee present: Garry Breitkreuz, Joe Comartin, Hon. Roy Cullen, Hon. Paul DeVillers, Hon. Paul Harold Macklin, John Maloney, Richard Marceau, Anita Neville, Vic Toews and Mark Warawa.

Acting Members present: Rob Moore for Myron Thompson.

In attendance: Parliamentary Information and Research Service: Wade Raaflaub, Analyst. *Library of Parliament:* Philip Rosen, Principal Analyst.

Witnesses: Psychiatric Patient Advocate Office: Nils Riis, Legal Counsel, Ministry of Health and Long-Term Care (Ontario); David Simpson, Programme Manager, Ministry of Health and Long-Term Care (Ontario). *Empowerment Council:* Jennifer Chambers, Coordinator, Co-Chair, Mental Health Legal Advocacy Coalition.

The Committee proceeded to the consideration of matters related to Committee business.

At 4:18 p.m., the sitting was suspended.

At 4:21 p.m., the sitting resumed in a public meeting.

Pursuant to the Order of Reference of Friday, October 22, 2004, the Committee resumed consideration of Bill C 10, An Act to amend the Criminal Code (mental disorder) and to make consequential amendments to other Acts.

The witnesses made statements and answered questions.

At 5:29 p.m., the sitting was suspended.

At 5:30 p.m., the sitting resumed *in camera* to discuss Committee business.

At 5:33 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte
Clerk of the Committee

2004/12/02 11:25 a.m.

E-mail tl

HOUSE OF COMMONS OF CANADA
38th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON JUSTICE, HUMAN RIGHTS,
PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Chair: Paul DeVillers.

Meeting No. 11

Monday, December 6, 2004

ORDER OF THE DAY:

Pursuant to the Order of Reference of Tuesday, November 2, 2004, the Committee commenced consideration of Bill C-13, An Act to amend the Criminal Code, the DNA Identification Act and the National Defence Act.

MEMBERS OF THE COMMITTEE PRESENT:

Diane Bourgeois,
Garry Breitkreuz,
Joe Comartin,
Hon. Paul DeVillers,
Hon. Paul Harold Macklin,
John Maloney,
Richard Marceau,
Anita Neville,
Vic Toews
and Mark Warawa.

ACTING MEMBERS PRESENT:

Rob Moore for Myron Thompson.

IN ATTENDANCE:

Parliamentary Information and Research Service:
Philip Rosen, Principal Analyst;

Robin MacKay, Analyst.

APPEARING:

Hon. Irwin Cotler, Minister of Justice.

WITNESSES:

Department of Justice:

Stanley Cohen, Senior General Counsel, Human Rights Law
Section;

Michael Zigayer, Senior Counsel, Criminal Law Policy Section.

Diane Diotte
Clerk of the Committee

MINUTES OF PROCEEDINGS

Meeting No. 11

Monday, December 6, 2004

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met in a televised session at 3:34 p.m. this day, in Room 269 West Block, the Chair, Paul DeVillers, presiding.

Members of the Committee present: Diane Bourgeois, Garry Breitkreuz, Joe Comartin, Hon. Paul DeVillers, Hon. Paul Harold Macklin, John Maloney, Richard Marceau, Anita Neville, Vic Toews and Mark Warawa.

Acting Members present: Rob Moore for Myron Thompson.

In attendance: Parliamentary Information and Research Service: Philip Rosen, Principal Analyst; Robin MacKay, Analyst.

Appearing: Hon. Irwin Cotler, Minister of Justice.

Witnesses: Department of Justice: Stanley Cohen, Senior General Counsel, Human Rights Law Section; Michael Zigayer, Senior Counsel, Criminal Law Policy Section.

Pursuant to the Order of Reference of Tuesday, November 2, 2004, the Committee commenced consideration of Bill C-13, An Act to amend the Criminal Code, the DNA Identification Act and the National Defence Act.

The Minister made a statement and, with the other witnesses, answered questions.

At 5:34 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte
Clerk of the Committee

2004/12/07 10:19 a.m.

E-mail to

HOUSE OF COMMONS OF CANADA
38th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON JUSTICE, HUMAN RIGHTS,
PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Chair: Paul DeVillers.

Meeting No. 13

Wednesday, December 8, 2004

ORDER OF THE DAY:

Pursuant to the Order of Reference of Friday, October 22, 2004, the Committee resumed consideration of Bill C-10, An Act to amend the Criminal Code (mental disorder) and to make consequential amendments to other Acts.

MEMBERS OF THE COMMITTEE PRESENT:

Diane Bourgeois,
Garry Breitkreuz,
Joe Comartin,
Hon. Roy Cullen,
Hon. Paul DeVillers,
Hon. Paul Harold Macklin,
John Maloney,
Richard Marceau,
Anita Neville
and Mark Warawa.

ACTING MEMBERS PRESENT:

Rob Moore for Myron Thompson.

IN ATTENDANCE:

Parliamentary Information and Research Service:
Philip Rosen, Principal Analyst;

Wade Raaflaub, Analyst.

WITNESSES:

Department of Justice:

Catherine Kane, Senior Counsel, Criminal Law Policy Section;
Julie Besner, Counsel, Criminal Policy Section.

Department of National Defence:

André Dufour, Director, Legislative and Regulatory Services.

Diane Diotte
Clerk of the Committee

MINUTES OF PROCEEDINGS

Meeting No. 13

Wednesday, December 8, 2004

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met at 3:38 p.m. this day, in Room 308 West Block, the Chair, Paul DeVillers, presiding.

Members of the Committee present: Diane Bourgeois, Garry Breitkreuz, Joe Comartin, Hon. Roy Cullen, Hon. Paul DeVillers, Hon. Paul Harold Macklin, John Maloney, Richard Marceau, Anita Neville and Mark Warawa.

Acting Members present: Rob Moore for Myron Thompson.

In attendance: Parliamentary Information and Research Service: Philip Rosen, Principal Analyst; Wade Raaflaub, Analyst.

Witnesses: Department of Justice: Catherine Kane, Senior Counsel, Criminal Law Policy Section; Julie Besner, Counsel, Criminal Policy Section. *Department of National Defence:* André Dufour, Director, Legislative and Regulatory Services.

Pursuant to the Order of Reference of Friday, October 22, 2004, the Committee resumed consideration of Bill C-10, An Act to amend the Criminal Code (mental disorder) and to make consequential amendments to other Acts.

The Chair called Clause 1.

The Committee commenced its clause-by-clause study of the Bill.

On Clause 1,

Richard Marceau moved, — That Bill C-10, in Clause 1, be amended by replacing line 4 on page 1 with the following:

“1. The definition “unfit to stand trial” in section 2 of the *Criminal Code* is replaced by the following:

“unfit to stand trial or to be sentenced” means unable on account of mental disorder to conduct a defence, or to instruct counsel to do so, at any stage of the proceedings before a verdict is rendered or a sentence is imposed, as the case may be, and, in particular, unable on account of mental disorder to

- (a) understand the nature or object of the proceedings,
- (b) understand the possible consequences of the proceedings,
- (c) communicate with counsel and provide rational instructions to counsel, or
- (d) understand the consequences of the decisions to be made during the proceedings;

1.1 (1) Section 672.1 of the Act”

After debate, by unanimous consent, the amendment was withdrawn.

Richard Marceau moved, — That Bill C-10, in Clause 1, be amended by replacing line 4 on page 1 with the following:

“1. The portion of subsection 578(1) of the *Criminal Code* before paragraph (a) is replaced by the following:

578. (1) Where notice of the recommencement of proceedings has been given pursuant to subsection 579(2) or 672.851(10), or an indictment has been filed with the court before which the proceedings are to commence or recommence, the court, if it considers it necessary, may issue

1.1 (1) Section 672.1 of the Act”

After debate, by unanimous consent, the amendment was withdrawn.

Joe Comartin moved, — That Bill C-10, in Clause 1, be amended by replacing lines 9 and 10 on page 1 with the following:

““assessment” means an assessment by a mental health professional of the mental condition of the”

After debate, by unanimous consent, the amendment was withdrawn.

Richard Marceau moved, — That Bill C-10, in Clause 1, be amended by replacing line 10 on page 1 with the following:

“practitioner or any other person who, in the opinion of the court, is qualified of the mental condition of the”

Paul Harold Macklin moved, — That the amendment be amended by deleting the words “in the opinion of the court, is qualified” and substituting with the following: “has been designated by the Attorney General as being qualified to conduct an assessment”

After debate, the question was put on the subamendment of Paul Harold Macklin and it was agreed to.

The question was put on the amendment of Richard Marceau, as amended, and it was agreed to.

Clause 1, as amended, carried.

On Clause 2,

Richard Marceau moved, — That Bill C-10, in Clause 2, be amended by replacing line 1 on page 2 with the following:

“2. (1) Paragraph 672.11(a) of the Act is replaced by the following:

(a) whether the accused is unfit to stand trial or to be sentenced;

(2) Paragraph 672.11(e) of the Act is”

After debate, by unanimous consent, the amendment was withdrawn.

Richard Marceau moved, — That Bill C-10, in Clause 2, be amended by replacing, in the French version, lines 5 and 6 on page 2 with the following:

“l'accusé, déterminer si une ordonnance d'arrêt des procédures devrait être rendue en”

After debate, by unanimous consent, the amendment was withdrawn.

Clause 2 carried.

On Clause 3,

Richard Marceau moved, — That Bill C-10, in Clause 3, be amended by replacing lines 20 to 27 on page 2 with the following:

“(b) make a disposition under section 672.54.”

After debate, by unanimous consent, the amendment was withdrawn.

Clause 3 carried.

Clauses 4 to 13 inclusive carried severally.

On Clause 13.1,

Richard Marceau moved, — That Bill C-10 be amended by adding after line 21 on page 5 the following new clause:

“13.1 Subsection 672.38(1) of the Act is replaced by the following:

672.38 (1) A Review Board shall be established or designated for each province to make or review dispositions concerning any accused in respect of whom a verdict of not criminally responsible by reason of mental disorder or unfit to stand trial or to be sentenced is rendered, and shall consist of not fewer than five members appointed by the lieutenant governor in council of the province.”

After debate, by unanimous consent, the amendment was withdrawn.

On Clause 14,

Paul Harold Macklin moved, — That Bill C-10, in Clause 14, be amended by replacing lines 26 to 32 on page 5 with the following:

“following the verdict, in original or copied form, any transcript of the court proceedings in respect of the accused, any other document or information related to the proceedings, and all exhibits filed with it, to the Review Board that has jurisdiction in respect of the matter, if the transcript, document, information or exhibits are in its possession.”

After debate, the question was put on the amendment of Paul Harold Macklin and it was agreed to.

Clause 14, as amended, carried.

Clause 15 carried.

On Clause 16,

Richard Marceau moved, — That Bill C-10, in Clause 16, be amended by replacing line 1 on page 6 with the following:

“16. (1) Section 672.5 of the Act is amended by adding the following after subsection (5):

(5.1) At the victim's request, notice of the hearing and of the victim's rights shall be given to the victim within the time and in the manner prescribed, or within the time and in the manner fixed by the rules of the court or Review Board.

(1.1) The portion of subsection 672.5(8)”

Paul Harold Macklin moved, — That the amendment be amended by deleting the words “victim's rights” and substituting with the following: “relevant provisions of the Act” and by deleting the words “and in the manner prescribed, or within the time”

After debate, the question was put on the subamendment of Paul Harold Macklin and it was agreed to.

After debate, the question was put on the amendment of Richard Marceau, as amended, and it was agreed to.

Joe Comartin moved, — That Bill C-10, in Clause 16, be amended by adding after line 15 on page 6 the following:

“(13.2) On receiving an assessment report, the court or Review Board shall determine whether, since the last time the disposition in respect of the accused was made or reviewed there has been any change in the mental condition of the accused that may provide grounds for the discharge of the accused under paragraph 672.54(a) or (b) and, if there has been such a change, the court or Review Board shall notify every victim of the offence that they are entitled to file a statement in accordance with subsection (14).”

After debate, the question was put on the amendment of Joe Comartin and it was agreed to.

Joe Comartin moved, — That Bill C-10, in Clause 16, be amended by replacing line 19 on page 6 with the following:

“the request of a victim who has been notified under subsection (13.2), permit the victim to read”

After debate, by unanimous consent, the amendment was withdrawn.

Clause 16, as amended, carried.

Clauses 17 and 18 carried severally.

On Clause 19,

Paul Harold Macklin moved, — That Bill C-10, in Clause 19, be amended by replacing line 43 on page 9 to line 3 on page 10 with the following:

“respect of the matter, in original or copied form, a transcript of the hearing, any other document or information related to the hearing, and all exhibits filed with it, if the transcript, document, information or exhibits are in its possession.”

After debate, the question was put on the amendment of Paul Harold Macklin and it was agreed to.

Clause 19, as amended, carried.

Clauses 20 to 26 inclusive carried severally.

On Clause 27,

Paul Harold Macklin moved, — That Bill C-10, in Clause 27, be amended by replacing line 27 on page 12 with the following:

“accused, the prosecutor and the person in charge of the”

After debate, the question was put on the amendment of Paul Harold Macklin and it was agreed to.

Clause 27, as amended, carried.

Clauses 28 to 31 inclusive carried severally.

On Clause 32,

Paul Harold Macklin moved, — That Bill C-10, in Clause 32, be amended by replacing lines 29 to 31 on page 13 with the following:

“accused to appear at the hearing at the time and place fixed for it.”

After debate, the question was put on the amendment of Paul Harold Macklin and it was agreed to.

Clause 32, as amended, carried.

On Clause 33,

Paul Harold Macklin moved, — That Bill C-10, in Clause 33, be amended

(a) by replacing, in the English version, line 14 on page 14 with the following:

“and is not likely to ever become fit to stand trial,”

(b) by replacing, in the English version, line 36 on page 14 with the following:

“and is not likely to ever become fit to stand trial;”

After debate, the question was put on the amendment of Paul Harold Macklin and it was agreed to.

Paul Harold Macklin moved, — That Bill C-10, in Clause 33, be amended by replacing lines 3 to 8 on page 15 with the following:

“proceedings if it is satisfied

(a) on the basis of clear information, that the accused remains unfit to stand trial and is not likely to ever become fit to stand trial;

(b) that the accused does not pose a significant threat to the safety of the public; and

(c) that a stay is in the interests of the proper administration of justice.”

After debate, the question was put on the amendment of Paul Harold Macklin and it was agreed to.

Clause 33, as amended, carried.

Clauses 34 and 35 carried severally.

On Clause 36,

Paul Harold Macklin moved, — That Bill C-10, in Clause 36, be amended by

(a) replacing line 28 on page 17 with the following:

“**672.92** (1) If a”

(b) replacing lines 33 to 42 on page 17 with the following:

“may release the accused from custody and

(a) issue a summons or appearance notice compelling the accused’s appearance before a justice, and

(b) deliver the accused to the place specified in the disposition or assessment order.

(2) A peace officer shall not release an”

(c) replacing lines 8 and 9 on page 18 with the following:

“of an assessment order,

(iii) prevent the commission of an offence, or

(iv) prevent the accused from contravening or failing to comply with the disposition or assessment order;”

(d) replacing lines 15 to 24 on page 18 with the following:

“required, before a justice.

(3) If a peace officer does not release the accused, the accused”

(e) replacing line 30 on page 18 with the following:

“(4) If a peace officer arrests an accused under section 672.91 who is subject to a disposition under paragraph 672.54(c), the accused shall be taken before a justice having jurisdiction in the territorial division in which the accused is arrested without unreasonable delay and, in any event, within 24 hours.

(5) If a justice described in subsection (3) or (4) is”

(f) replacing line 40 on page 18 to line 9 on page 19 with the following:

“(1.1) If the justice releases the accused, notice shall be given to the court or Review Board, as the case may be, that made the disposition or assessment order.

(2) If the justice is satisfied that there are reasonable grounds to believe that the accused has contravened or failed to comply with a disposition or an assessment order, the justice, pending a hearing of a Review Board with respect to the disposition or a hearing of a court or Review Board with respect to the assessment order, may make an order that is appropriate in the circumstances in relation to the accused, including an order that the accused be returned to a place that is specified in the disposition or assessment order. If the justice makes an order under this subsection, notice shall be given to the court or Review Board, as the case may be, that made the disposition or assessment order.”

(g) replacing lines 11 and 12 on page 19 with the following:

“notice given under subsection 672.93(1.1) or (2), it may exercise the powers and shall”

After debate, the question was put on the amendment of Paul Harold Macklin and it was agreed to.

Clause 36, as amended, carried.

Clauses 37 to 48 inclusive carried severally.

On Clause 49,

Paul Harold Macklin moved, — That Bill C-10, in Clause 49, be amended

(a) by replacing, in the English version, line 16 on page 25 with the following:

“stand trial and is not likely to ever become fit to”

(b) by replacing, in the English version, line 2 on page 26 with the following:

“trial and is not likely to ever become fit to stand”

After debate, the question was put on the amendment of Paul Harold Macklin and it was agreed to.

Paul Harold Macklin moved, — That Bill C-10, in Clause 49, be amended by replacing, in the French version, lines 37 and 38 on page 25 with the following:

“peut également, de sa propre initiative, tenir une audience afin de”

After debate, the question was put on the amendment of Paul Harold Macklin and it was agreed to.

Paul Harold Macklin moved, — That Bill C-10, in Clause 49, be amended by replacing lines 18 to 23 on page 26 with the following:

“proceedings if it is satisfied

(a) on the basis of clear information, that the accused person remains unfit to stand trial and is not likely to ever become fit to stand trial;

(b) that the accused does not pose a significant threat to the safety of the public; and

(c) that a stay is in the interests of the proper administration of justice.”

After debate, the question was put on the amendment of Paul Harold Macklin and it was agreed to.

Clause 49, as amended, carried.

Clauses 50 to 54 inclusive carried severally.

On Clause 55,

Paul Harold Macklin moved, — That Bill C-10, in Clause 55, be amended by

(a) replacing lines 12 to 15 on page 28 with the following:

“province, in original or copied form, a transcript of the hearing, any document or information relating to the hearing and all exhibits filed with it, if the transcript, document, information or exhibits are in its possession.”

(b) replacing lines 21 to 25 on page 28 with the following:

“of mental disorder, in original or copied form, any transcript of the proceedings in respect of the accused, any document or information relating to the proceedings and all exhibits filed with it, if the transcript, document, information or exhibits are in its possession.”

After debate, the question was put on the amendment of Paul Harold Macklin and it was agreed to.

Clause 55, as amended, carried.

On Clause 56,

Paul Harold Macklin moved, — That Bill C-10, in Clause 56, be amended by replacing line 26 on page 28 to line 4 on page 29 with the following:

“56. Subsections 202.23(2) to (4) of the Act are replaced by the following:

(2) An officer, a non-commissioned member appointed for the purposes of section 156, or any other peace officer within the meaning of the *Criminal Code*, may arrest an accused person without a warrant if they have reasonable grounds to believe that the accused person

(a) is at large contrary to the terms of a disposition made by a court martial under section 201, 202 or 202.16 or by a Review Board; or

(b) has contravened or wilfully failed to comply with the disposition or any condition of a disposition or assessment order, or is about to do so.

(2.1) An officer, a non-commissioned member or another peace officer who makes an arrest under subsection (2) may, as soon as possible, release an accused person arrested under that subsection who is subject to a disposition made by a court martial under paragraph 201(1)(a) or 202.16(1)(b), a disposition made by a Review Board under paragraph 672.54(b) of the *Criminal Code* or an assessment order and deliver the accused person to the place specified in the disposition or assessment order.

(2.2) The officer, non-commissioned member or other peace officer shall not release the accused person if they believe on reasonable grounds

(a) that it is necessary in the public interest that the accused person be detained in custody having regard to all the circumstances, including the need to

(i) establish the identity of the accused person,

(ii) establish the terms and conditions of the disposition or assessment order referred to in subsection (2.1),

(iii) prevent the commission of an offence, or

(iv) prevent the accused person from doing anything referred to in paragraph (2)(a) or (b); or

(b) that the accused person is subject to a disposition or an assessment order of a Review Board of another province.

(2.3) An accused person referred to in subsection (2.1) who is not released or an accused person arrested under subsection (2) who is subject to a disposition of a court martial made under paragraph 201(1)(b), subsection 202(1) or paragraph 202.16(1)(c) or a disposition of a Review Board made under paragraph 672.54(c) of the *Criminal Code* shall be taken to a justice having jurisdiction in the territorial division in which the accused person is arrested or a commanding officer without unreasonable delay and in any event within a period of twenty-four hours after the arrest.

(3) If a justice having jurisdiction in the territorial division in which the accused person is arrested or a commanding officer is not available within a period of twenty-four hours after the arrest, the accused person shall be taken before a justice or commanding officer as soon as practicable.

(3.1) A justice or commanding officer shall release an accused who is brought before them unless they are satisfied that there are reasonable grounds to believe that the circumstances referred to in paragraph (2)(a) or (b) exist.

(3.2) If the justice or commanding officer releases the accused, notice shall be given to the Review Board that made the disposition or to the court martial or Review Board that made the assessment order.

(4) If a justice or commanding officer before whom an accused person is taken is satisfied that there are reasonable grounds to believe that the circumstances referred to in paragraph (2)(a) or (b) exist, the justice or commanding officer may, pending a hearing of a Review Board with respect to the disposition or a hearing of a court martial or Review Board with respect to the assessment order, make an order that is appropriate in the circumstances in relation to the accused person, including an order that the accused person be delivered to a place that is specified in the disposition or assessment order. If the justice or commanding officer makes an order under this subsection, notice shall be given to the Review Board that made the disposition or to the court martial or Review Board that made the assessment order."

Joe Comartin moved, — That the amendment be amended, in the French version only: a) in paragraph (2.1), by adding after the word "en vertu de l'alinéa 672.54b) " the following: "du Code Criminel", (b) in paragraph (2.3), by adding after the word "en vertu de l'alinéa 672.54c) " the following: "du Code Criminel"; c) in paragraph (3.2), the word "martial" with the following: "martiale"

After debate, the question was put on the subamendment of Joe Comartin and it was agreed to.

After debate, the question was put on the amendment of Paul Harold Macklin and it was agreed to.

Clause 56, as amended, carried.

Clauses 57 to 65 inclusive carried severally.

The Title carried.

The Bill, as amended, carried.

ORDERED, — That the Chair report the Bill, as amended, to the House.

ORDERED, — That Bill C-10, as amended, be reprinted for the use of the House at report stage.

At 5:10 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte
Clerk of the Committee

2004/12/14 9:26 a.m.

E-mail to

HOUSE OF COMMONS OF CANADA
38th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON JUSTICE, HUMAN RIGHTS,
PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Chair: Paul DeVillers.

Meeting No. 14

Thursday, December 9, 2004

ORDER OF THE DAY:

Pursuant to Standing Order 108(2), the Committee commenced its study on the closing of RCMP detachments

MEMBERS OF THE COMMITTEE PRESENT:

Garry Breitkreuz,
Joe Comartin,
Hon. Roy Cullen,
Hon. Paul DeVillers,
John Maloney
and Mark Warawa.

ACTING MEMBERS PRESENT:

Gary Carr for Paul Harold Macklin,
Peter MacKay for Vic Toews,
Serge Ménard for Richard Marceau,
Rob Moore for Myron Thompson,
Denis Paradis for Anita Neville,
and Robert Vincent for Diane Bourgeois.

IN ATTENDANCE:

Parliamentary Information and Research Service:
Robin MacKay, Analyst;

Philip Rosen, Principal Analyst.

WITNESSES:

Royal Canadian Mounted Police:

Giuliano Zaccardelli, Commissioner;

Pierre-Yves Bourduas, Assistant Commissioner, Commanding
Officer, "C" Division.

Diane Diotte
Clerk of the Committee

MINUTES OF PROCEEDINGS

Meeting No. 14

Thursday, December 9, 2004

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met at 11:03 a.m. this day, in Room 209 West Block, the Chair, Paul DeVillers, presiding.

Members of the Committee present: Garry Breitkreuz, Joe Comartin, Hon. Roy Cullen, Hon. Paul DeVillers, John Maloney and Mark Warawa.

Acting Members present: Gary Carr for Paul Harold Macklin, Peter MacKay for Vic Toews, Serge Ménard for Richard Marceau, Rob Moore for Myron Thompson, Denis Paradis for Anita Neville and Robert Vincent for Diane Bourgeois.

In attendance: Parliamentary Information and Research Service: Robin MacKay, Analyst; Philip Rosen, Principal Analyst.

Witnesses: Royal Canadian Mounted Police: Giuliano Zaccardelli, Commissioner; Pierre-Yves Bourduas, Assistant Commissioner, Commanding Officer, "C" Division.

Pursuant to Standing Order 108(2), the Committee resumed its study on the closing of RCMP detachments.

Giuliano Zaccardelli made an opening statement and, with the other witness, answered questions.

It was agreed, - That Robert Vincent table a letter from Timmins Police Service.

At 12:56 p.m., the sitting was suspended.

At 13:00 p.m., the sitting resumed *in camera*.

It was agreed to on division, - That the Committee recommend to the government that the RCMP keep open the nine detachments in Quebec whose closing was an issue in our hearings and that it maintain or return a critical mass of officers per detachment.

At 1:13 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte
Clerk of the Committee

2004-12-10 1:15 p.m.

E-mail tl

CA1

XC33

J96

HOUSE OF COMMONS OF CANADA
38th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON JUSTICE, HUMAN RIGHTS,
PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Chair: Paul DeVillers, Lib.

Meeting No. 15

Monday, December 13, 2004

IN CAMERA

MINUTES OF PROCEEDINGS

Meeting No. 15

Monday, December 13, 2004

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met *in camera* at 3:35 p.m. this day, in Room 269 West Block, the Chair, Paul DeVillers, presiding.

Members of the Committee present: Garry Breitkreuz, Joe Comartin, Hon. Paul DeVillers, Hon. Paul Harold Macklin, John Maloney, Richard Marceau, Anita Neville, Myron Thompson, Vic Toews and Mark Warawa.

In attendance: Library of Parliament: Robin MacKay, Analyst; Philip Rosen, Analyst.

The Committee proceeded to the consideration of matters related to Committee business.

It was agreed, — That the visit to the DNA National Data Bank be cancelled and rescheduled to next year.

It was agreed, — That the Committee ask RCMP Commissioner to provide the following information by the first meeting of the Committee in 2005:

- The overall authorized RCMP complement, civilian and staff, on an annual basis for the past five years up to December 1st, 2004; and the overall actual RCMP complement, civilian and staff, on an annual basis for the past five years up to December 1st, 2004;
- The authorized RCMP complement, civilian and staff, in each division, zone, and detachment across Canada, on an annual basis for the past five years up to December 1st, 2004; and the actual RCMP complement, civilian and staff, in each division, zone, and detachment across Canada, on an annual basis for the past five years up to December 1st, 2004, identifying where applicable provincial and federal components;
- The number of RCMP officers currently seconded to duties other than domestic law enforcement functions;
- The number of RCMP officers currently on leave including but not limited to the following reasons: annual leave; time off in lieu of overtime; time off on courses over two weeks; long term leave; parental leave; maternity leave;
- The number of annual vacancies due to reasons including but not limited to retirements and resignations up to December 1st, 2004;

and

- If the RCMP has currently or in the past operated by “vacancy management”; if so, why and to what extent.

It was agreed, — That an operational budget of \$9,900 be adopted for the Subcommittee on Solicitation

Laws and that the Chair present the said budget to the Standing Committee on Liaison.

It was agreed, — That the Committee, in its response to the Government House Leader's letter, recommend that all appointments to the National Parole Board, including the Chairperson, the Executive Vice-Chairperson, all Vice-Chairpersons, and all Members, should be subject to prior parliamentary review.

At 3:45 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte
Clerk of the Committee

2005/03/02 10:13 a.m.

E-mail th

CA1
XC33
-J96

HOUSE OF COMMONS OF CANADA
38th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON JUSTICE, HUMAN RIGHTS,
PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Chair: Paul DeVillers, Lib.

Meeting No. 16

Tuesday, February 1, 2005

ORDER OF THE DAY:

Pursuant to the Order of Reference of Tuesday, November 2, 2004, the Committee resumed consideration of Bill C-13, An Act to amend the Criminal Code, the DNA Identification Act and the National Defence Act.

MEMBERS OF THE COMMITTEE PRESENT:

Diane Bourgeois,
Garry Breitkreuz,
Joe Comartin,
Hon. Roy Cullen,
Hon. Paul DeVillers,
Hon. Paul Harold Macklin,
John Maloney,
Richard Marceau,
Anita Neville,
Vic Toews
and Mark Warawa.

ACTING MEMBERS PRESENT:

Peter MacKay for Myron Thompson,
and Rob Moore for Vic Toews.

IN ATTENDANCE:

Parliamentary Information and Research Service:

Philip Rosen, Principal Analyst;

Robin MacKay, Analyst.

WITNESSES:

Canadian Professional Police Association:

David Griffin, Executive Officer.

Schizophrenia Society of Canada:

Michael Thomson, Board Member;

Alistair Deighton, Volunteer / Consumer, Ottawa Chapter.

Canadian Resource Centre for Victims of Crime:

Steve Sullivan, President.

Diane Diotte
Clerk of the Committee

MINUTES OF PROCEEDINGS

Meeting No. 16

Tuesday, February 1, 2005

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met at 9:03 a.m. this day, in Room 371 West Block, the Chair, Paul DeVillers, presiding.

Members of the Committee present: Diane Bourgeois, Garry Breitkreuz, Joe Comartin, Hon. Roy Cullen, Hon. Paul DeVillers, Hon. Paul Harold Macklin, John Maloney, Richard Marceau, Anita Neville, Vic Toews and Mark Warawa.

Acting Members present: Peter MacKay for Myron Thompson and Rob Moore for Vic Toews.

In attendance: Parliamentary Information and Research Service: Philip Rosen, Principal Analyst; Robin MacKay, Analyst.

Witnesses: Canadian Professional Police Association: David Griffin, Executive Officer. *Schizophrenia Society of Canada:* Michael Thomson, Board Member; Alistair Deighton, Volunteer / Consumer, Ottawa Chapter. *Canadian Resource Centre for Victims of Crime:* Steve Sullivan, President.

Pursuant to the Order of Reference of Tuesday, November 2, 2004, the Committee resumed consideration of Bill C-13, An Act to amend the Criminal Code, the DNA Identification Act and the National Defence Act.

The witnesses made statements and answered questions.

At 10:40 a.m., the sitting was suspended.

At 10:45 a.m., the sitting resumed *in camera* to discuss Committee business.

It was agreed, — That the operational budget in the amount of \$9,900, proposed by the Sub-Committee on National Security and Public Safety, be adopted and that the Chair of the Sub-Committee present the said budget to the Budget Subcommittee of the Liaison Committee.

It was agreed, — That the budget in the amount of \$49,850, for the study of the Antiterrorism Law, proposed by the Sub-Committee on National Security and Public Safety, be adopted and that the Chair of the Sub-committee present the said budget to the Budget Subcommittee of the Liaison Committee.

At 10:54 a.m., the Committee adjourned to the call of the Chair.

Diane Diotte
Clerk of the Committee

2005/02/07 2:22 p.m.

E-mail tl

HOUSE OF COMMONS OF CANADA
38th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON JUSTICE, HUMAN RIGHTS,
PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Chair: Paul DeVillers. Lib.

Meeting No. 17

Thursday, February 3, 2005

ORDER OF THE DAY:

Pursuant to the Order of Reference of Tuesday, November 2, 2004, the Committee resumed consideration of Bill C-13, An Act to amend the Criminal Code, the DNA Identification Act and the National Defence Act.

MEMBERS OF THE COMMITTEE PRESENT:

Diane Bourgeois,
Garry Breitkreuz,
Joe Comartin,
Hon. Paul DeVillers,
Hon. Paul Harold Macklin,
John Maloney,
Richard Marceau,
Anita Neville,
Myron Thompson
and Mark Warawa.

ASSOCIATE MEMBER PRESENT:

Serge Ménard.

IN ATTENDANCE:

Parliamentary Information and Research Service:

Robin MacKay, Analyst;
Philip Rosen, Principal Analyst.

WITNESSES:

Criminal Lawyers Association:

Enzo Rondinelli, Representative.

Canadian Bar Association:

Joshua Weinstein, Chair, Manitoba Branch;
Joan Bercovitch, Senior Director, Legal and Government Affairs.

Diane Diotte
Clerk of the Committee

MINUTES OF PROCEEDINGS

Meeting No. 17

Thursday, February 3, 2005

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met at 9:03 a.m. this day, in Room 371 West Block, the Chair, Paul DeVillers, presiding.

Members of the Committee present: Diane Bourgeois, Garry Breitkreuz, Joe Comartin, Hon. Paul DeVillers, Hon. Paul Harold Macklin, John Maloney, Richard Marceau, Anita Neville, Myron Thompson and Mark Warawa.

Associate Members present: Serge Ménard.

In attendance: Parliamentary Information and Research Service: Robin MacKay, Analyst; Philip Rosen, Principal Analyst.

Witnesses: Criminal Lawyers Association: Enzo Rondinelli, Representative. *Canadian Bar Association:* Joshua Weinstein, Chair, Manitoba Branch; Joan Bercovitch, Senior Director, Legal and Government Affairs.

Pursuant to the Order of Reference of Tuesday, November 2, 2004, the Committee resumed consideration of Bill C-13, An Act to amend the Criminal Code, the DNA Identification Act and the National Defence Act.

The witnesses made statements and answered questions.

At 10:58 a.m., the sitting was suspended.

At 11:02 a.m., the sitting resumed *in camera* to discuss Committee business.

It was agreed, — That the budget in the amount of \$47,592, proposed by the Sub-Committee on Solicitation Laws, for a study on Solicitation Laws, be adopted and that the Chair of the Sub-Committee present the said budget to the Budget Subcommittee of the Liaison Committee.

It was agreed, — That the budget in the amount of \$67,495 for public hearings and visits to Toronto, Montreal and Halifax, proposed by the Sub-Committee on Solicitation Laws, be adopted and that the Chair of the Sub-Committee present the said budget to the Budget Sub-Committee of the Liaison.

It was agreed, — That the budget in the amount of \$82,465 for public hearings and visits to Vancouver, Edmonton and Winnipeg, proposed by the Sub-Committee on Solicitation Laws, be adopted and that the Chair of the Sub-Committee present the said budget to the Budget Subcommittee of the Liaison Committee.

It was agreed, — That the budget in the amount of \$8,357 for public hearings and a visit to Winnipeg, proposed by the Sub-Committee on Solicitation Laws, be adopted and that the Chair of the Sub-Committee present the said budget to the Budget Subcommittee of the Liaison Committee.

At 11:06 a.m., the Committee adjourned to the call of the Chair.

Diane Diotte
Clerk of the Committee

2005/02/03 3:57 p.m.

E-mail to

HOUSE OF COMMONS OF CANADA
38th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON JUSTICE, HUMAN RIGHTS,
PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Chair: Paul DeVillers, Lib.

Meeting No. 18

Tuesday, February 8, 2005

ORDER OF THE DAY:

Pursuant to the Order of Reference of Tuesday, November 2, 2004, the Committee resumed consideration of Bill C-13, An Act to amend the Criminal Code, the DNA Identification Act and the National Defence Act.

MEMBERS OF THE COMMITTEE PRESENT:

Diane Bourgeois,
Garry Breitkreuz,
Joe Comartin,
Hon. Roy Cullen,
Hon. Paul DeVillers,
Hon. Paul Harold Macklin,
John Maloney,
Richard Marceau,
Anita Neville,
Myron Thompson
and Mark Warawa.

ACTING MEMBERS PRESENT:

Peter MacKay for Mark Warawa,
and Rob Moore for Vic Toews.

IN ATTENDANCE:

Library of Parliament:

Philip Rosen, Principal Analyst;
Robin MacKay, Analyst.

WITNESSES:

Office of the Privacy Commissioner of Canada:

Jennifer Stoddart, Privacy Commissioner;
Raymond D'Aoust, Assistant Privacy Commissioner ;
Patricia Kosseim, General Counsel.

Canadian College of Medical Geneticists:

Diane J. Allingham-Hawkins, President.

Canadian Council of Criminal Defence Lawyers:

Joseph Di Luca, Representative.

Diane Diotte, Mark D'Amore
Clerks of the Committee

MINUTES OF PROCEEDINGS

Meeting No. 18

Tuesday, February 8, 2005

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met at 9:00 a.m. this day, in Room 308 West Block, the Chair, Paul DeVillers, presiding.

Members of the Committee present: Diane Bourgeois, Garry Breitkreuz, Joe Comartin, Hon. Roy Cullen, Hon. Paul DeVillers, Hon. Paul Harold Macklin, John Maloney, Richard Marceau, Anita Neville, Myron Thompson and Mark Warawa.

Acting Members present: Peter MacKay for Mark Warawa and Rob Moore for Vic Toews.

In attendance: Library of Parliament: Philip Rosen, Principal Analyst; Robin MacKay, Analyst.

Witnesses: Office of the Privacy Commissioner of Canada: Jennifer Stoddart, Privacy Commissioner; Raymond D'Aoust, Assistant Privacy Commissioner ; Patricia Kosseim, General Counsel. *Canadian College of Medical Geneticists:* Diane J. Allingham-Hawkins, President. *Canadian Council of Criminal Defence Lawyers:* Joseph Di Luca, Representative.

Pursuant to the Order of Reference of Tuesday, November 2, 2004, the Committee resumed consideration of Bill C-13, An Act to amend the Criminal Code, the DNA Identification Act and the National Defence Act.

Jennifer Stoddart made a statement and, with the other witnesses from the Office of the Privacy Commissioner, answered questions.

At 10:05 a.m., the sitting was suspended.

At 10:07 a.m., the sitting resumed.

Diane J. Allingham-Hawkins and Joseph Di Luca each made a statement and answered questions.

At 11:01 a.m., the Committee adjourned to the call of the Chair.

Diane Diotte, Mark D'Amore
Clerks of the Committee

2005/02/09 2:21 p.m.

E-mail to

HOUSE OF COMMONS OF CANADA
38th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON JUSTICE, HUMAN RIGHTS,
PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Chair: Paul DeVillers.

Meeting No. 19

Thursday, February 10, 2005

ORDER OF THE DAY:

The Committee proceeded to the consideration of matters related to Committee business.

Pursuant to the Order of Reference of Tuesday, November 2, 2004, the Committee resumed consideration of Bill C-13, An Act to amend the Criminal Code, the DNA Identification Act and the National Defence Act.

MEMBERS OF THE COMMITTEE PRESENT:

Diane Bourgeois,
Garry Breitkreuz,
Joe Comartin,
Hon. Roy Cullen,
Hon. Paul DeVillers,
Hon. Paul Harold Macklin,
John Maloney,
Richard Marceau,
Anita Neville,
Myron Thompson,
Vic Toews
and Mark Warawa.

IN ATTENDANCE:

Library of Parliament:

Philip Rosen, Principal;
Robin MacKay, Analyst.

WITNESSES:

Canadian Association of Chiefs of Police:

Bruce Brown, Barrister and Solicitor, Director, Legal Services,
London Police Service;
Vincent Westwick, Co-Chair, Law Amendments Committee.

Canadian Association of Police Boards:

Herb Kreling, Past President and Board Member;
Wendy L. Fedec, Executive Director.

B.C. Ministry of the Attorney General:

Derrill Prevett, Crown Counsel, DNA Information Coordinator.

Royal Canadian Mounted Police:

Ron Fourney, Program Manager, National DNA Data Bank,
Forensic Laboratory Service;
David Bird, Senior Legal Counsel.

Department of Justice:

Greg Yost, Counsel, Criminal Law Policy Section.

Ron Fourney made a statement and, with the other witnesses from the RCMP and the Department of Justice, answered questions.

Diane Diotte, Mark D'Amore
Clerks of the Committee

MINUTES OF PROCEEDINGS

Meeting No. 19

Thursday, February 10, 2005

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met at 9:06 a.m. this day, in Room 701 La Promenade Building, the Chair, Paul DeVillers, presiding.

Members of the Committee present: Diane Bourgeois, Garry Breitkreuz, Joe Comartin, Hon. Roy Cullen, Hon. Paul DeVillers, Hon. Paul Harold Macklin, John Maloney, Richard Marceau, Anita Neville, Myron Thompson, Vic Toews and Mark Warawa.

In attendance: Library of Parliament: Philip Rosen, Principal; Robin MacKay, Analyst.

Witnesses: Canadian Association of Chiefs of Police: Bruce Brown, Barrister and Solicitor, Director, Legal Services, London Police Service; Vincent Westwick, Co-Chair, Law Amendments Committee. *Canadian Association of Police Boards:* Herb Kreling, Past President and Board Member; Wendy L. Fedec, Executive Director. *B.C. Ministry of the Attorney General:* Derrill Prevett, Crown Counsel, DNA Information Coordinator. *Royal Canadian Mounted Police:* Ron Fourney, Program Manager, National DNA Data Bank, Forensic Laboratory Service; David Bird, Senior Legal Counsel. *Department of Justice:* Greg Yost, Counsel, Criminal Law Policy Section.

The Committee proceeded to the consideration of matters related to Committee business.

Richard Marceau moved, — That the Committee invite the Minister of Public Safety and Emergency Preparedness and summon the Commissioner of the RCMP and Commanding Officer, C Division, to appear before it to explain why they ignored the Committee's recommendation to stay the closure of nine RCMP detachments in Quebec.

Debate arose thereon.

Roy Cullen moved, — That the motion be amended by deleting the words “invite the Minister of Public Safety and Emergency Preparedness and summon” and substituting with the following “request”.

After debate, the question was put on the amendment of Roy Cullen and it was negatived, by a show of hands: YEAS: 4; NAYS: 7.

After debate, the question was put on the motion and it was agreed to, by a show of hands: YEAS: 7; NAYS: 4.

At 9:34 a.m., the sitting was suspended.

At 9:36 a.m., the sitting resumed.

Pursuant to the Order of Reference of Tuesday, November 2, 2004, the Committee resumed consideration of Bill C-13, An Act to amend the Criminal Code, the DNA Identification Act and the National Defence Act.

It was agreed, — That, at the discretion of the Chair, during the questioning of witnesses, there be allocated five (5) minutes to questioners of each party, starting with the Opposition parties.

Bruce Brown, Herb Kreling and Derrill Prevett made statements and with the other witnesses, answered questions.

At 11:05 a.m., the sitting was suspended.

At 11:12 a.m., the sitting resumed.

Ron Fournery made a statement and, with the other witnesses from the RCMP and the Department of Justice, answered questions.

At 12:01 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte, Mark D'Amore
Clerks of the Committee

2005/02/17 8:47 a.m.

E-mail to

HOUSE OF COMMONS OF CANADA
38th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON JUSTICE, HUMAN RIGHTS,
PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Chair: Paul DeVillers, Lib.

Meeting No. 20

Tuesday, February 15, 2005

ORDERS OF THE DAY:

Pursuant to the Order of Reference of Tuesday, November 2, 2004, the Committee resumed consideration of Bill C-13, An Act to amend the Criminal Code, the DNA Identification Act and the National Defence Act.

The Committee proceeded to the consideration of matters related to Committee business.

MEMBERS OF THE COMMITTEE PRESENT:

Diane Bourgeois,
Joe Comartin,
Hon. Roy Cullen,
Hon. Paul DeVillers,
Hon. Paul Harold Macklin,
John Maloney,
Richard Marceau,
Anita Neville,
Myron Thompson,
Vic Toews
and Mark Warawa.

ACTING MEMBER PRESENT:

Rob Moore for Garry Breitkreuz.

IN ATTENDANCE:

Library of Parliament:

Philip Rosen, Analyst;
Robin MacKay, Analyst.

WITNESSES:

As an Individual:

David Rose, Barrister and Solicitor.

Barreau du Québec:

Nicole Dufour, Lawyer, Research and Legislation Service;
Jean-Claude Dubé, Lawyer.

Forensic Science Services, Wetherby Laboratory, United Kingdom:

Chris Maguire.

Diane Diotte, Mark D'Amore
Clerks of the Committee

MINUTES OF PROCEEDINGS

Meeting No. 20

Tuesday, February 15, 2005

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met at 9:02 a.m. this day, in Room 701 La Promenade Building, the Chair, Paul DeVillers, presiding.

Members of the Committee present: Diane Bourgeois, Joe Comartin, Hon. Roy Cullen, Hon. Paul DeVillers, Hon. Paul Harold Macklin, John Maloney, Richard Marceau, Anita Neville, Myron Thompson, Vic Toews and Mark Warawa.

Acting Members present: Rob Moore for Garry Breitkreuz.

In attendance: Library of Parliament: Philip Rosen, Principal Analyst; Robin MacKay, Analyst.

Witnesses: As an Individual: David Rose, Barrister and Solicitor. *Barreau du Québec:* Nicole Dufour, Lawyer, Research and Legislation Service; Jean-Claude Dubé, Lawyer. *Forensic Science Services, Wetherby Laboratory, United Kingdom:* Chris Maguire.

Pursuant to the Order of Reference of Tuesday, November 2, 2004, the Committee resumed consideration of Bill C-13, An Act to amend the Criminal Code, the DNA Identification Act and the National Defence Act.

David Rose, Nicole Dufour and Jean-Claude Dubé each made a statement and answered questions.

At 10:05 a.m., the sitting was suspended.

At 10:09 a.m., the sitting resumed.

Chris Maguire made a statement and answered questions.

At 11:45 a.m., the sitting was suspended.

At 11:49 a.m., the sitting resumed *in camera*.

The Committee proceeded to the consideration of matters related to Committee business.

It was agreed, — That the Chair write to the Minister of Justice explaining that the Committee will be unable, because of its current workload and the demands upon it, to continue its review of the conditional sentences in the near future.

At 12:04 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte, Mark D'Amore
Clerks of the Committee

2005/02/16 2:17 p.m.

E-mail tl

HOUSE OF COMMONS OF CANADA
38th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON JUSTICE, HUMAN RIGHTS,
PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Chair: Paul DeVillers, Lib.

Meeting No. 21

Thursday, February 17, 2005

ORDER OF THE DAY:

Pursuant to the Order of Reference of Tuesday, November 2, 2004, the Committee resumed consideration of Bill C-13, An Act to amend the Criminal Code, the DNA Identification Act and the National Defence Act.

MEMBERS OF THE COMMITTEE PRESENT:

Diane Bourgeois,
Garry Breitkreuz,
Joe Comartin,
Hon. Roy Cullen,
Hon. Paul DeVillers,
Hon. Paul Harold Macklin,
John Maloney,
Richard Marceau,
Anita Neville,
Vic Toews
and Mark Warawa.

ACTING MEMBER PRESENT:

Rob Moore for Myron Thompson.

ASSOCIATE MEMBER PRESENT:

Gary Lunn.

IN ATTENDANCE:

Library of Parliament:

Philip Rosen, Principal;
Robin MacKay, Analyst.

WITNESSES:

House of Commons:

Gary Lunn, Saanich—Gulf Islands.

Department of Justice:

Michael Zigayer, Senior Counsel, Criminal Law Policy Section;
Louis Davis, Senior Counsel, Constitutional and Administrative
Law Section.

Diane Diotte, Mark D'Amore
Clerks of the Committee

MINUTES OF PROCEEDINGS

Meeting No. 21

Thursday, February 17, 2005

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met at 9:01 a.m. this day, in Room 371 West Block, the Chair, Paul DeVillers, presiding.

Members of the Committee present: Diane Bourgeois, Garry Breitkreuz, Joe Comartin, Hon. Roy Cullen, Hon. Paul DeVillers, Hon. Paul Harold Macklin, John Maloney, Richard Marceau, Anita Neville, Vic Toews and Mark Warawa.

Acting Members present: Rob Moore for Myron Thompson.

Associate Members present: Gary Lunn.

In attendance: Library of Parliament: Philip Rosen, Principal; Robin MacKay, Analyst.

Witnesses: House of Commons: Gary Lunn, Saanich—Gulf Islands. *Department of Justice:* Michael Zigayer, Senior Counsel, Criminal Law Policy Section; Louis Davis, Senior Counsel, Constitutional and Administrative Law Section.

Pursuant to the Order of Reference of Tuesday, November 2, 2004, the Committee resumed consideration of Bill C-13, An Act to amend the Criminal Code, the DNA Identification Act and the National Defence Act.

Gary Lunn made a statement and answered questions.

At 9:50 a.m., the sitting was suspended.

At 9:55 a.m., the sitting resumed.

Michael Zigayer made a statement and, with Louis Davis, answered questions.

At 11:02 a.m., the Committee adjourned to the call of the Chair.

Diane Diotte, Mark D'Amore
Clerks of the Committee

2005/02/17 1:57 p.m.

E-mail to

HOUSE OF COMMONS OF CANADA
38th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON JUSTICE, HUMAN RIGHTS,
PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Chair: Hon. Paul DeVillers, Lib.

Meeting No. 22

Tuesday, February 22, 2005

ORDER OF THE DAY:

Pursuant to the Order of Reference of Monday, October 18, 2004, the Committee resumed consideration of Bill C-2, An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act

MEMBERS OF THE COMMITTEE PRESENT:

Diane Bourgeois,
Garry Breitkreuz,
Joe Comartin,
Hon. Paul DeVillers,
Hon. Paul Harold Macklin,
John Maloney,
Richard Marceau,
Anita Neville,
Myron Thompson
and Mark Warawa.

ACTING MEMBERS PRESENT:

Ken Boshcoff for Hon. Roy Cullen,
Peter MacKay for Vic Toews,
and Rob Moore for Vic Toews.

IN ATTENDANCE:

Library of Parliament:

Philip Rosen, Principal;
Robin MacKay, Analyst.

APPEARING:

Hon. Irwin Cotler, Minister of Justice.

WITNESSES:

Department of Justice:

Catherine Kane, Senior Counsel / Director, Policy Centre for
Victim Issues;

Lisette Lafontaine, Senior Counsel, Criminal Law Policy Section;
Carole Morency, Senior Counsel, Criminal Law Policy Section.

Diane Diotte, Mark D'Amore
Clerks of the Committee

MINUTES OF PROCEEDINGS

Meeting No. 22

Tuesday, February 22, 2005

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met in a televised session at 9:06 a.m. this day, in Room 237-C Centre Block, the Chair, Paul DeVillers, presiding.

Members of the Committee present: Diane Bourgeois, Garry Breitkreuz, Joe Comartin, Hon. Paul DeVillers, Hon. Paul Harold Macklin, John Maloney, Richard Marceau, Anita Neville, Myron Thompson and Mark Warawa.

Acting Members present: Ken Boshcoff for Hon. Roy Cullen, Peter MacKay for Vic Toews and Rob Moore for Vic Toews.

In attendance: Library of Parliament: Philip Rosen, Principal; Robin MacKay, Analyst.

Appearing: Hon. Irwin Cotler, Minister of Justice.

Witnesses: Department of Justice: Catherine Kane, Senior Counsel / Director, Policy Centre for Victim Issues; Lisette Lafontaine, Senior Counsel, Criminal Law Policy Section; Carole Morency, Senior Counsel, Criminal Law Policy Section.

Pursuant to the Order of Reference of Monday, October 18, 2004, the Committee commenced consideration of Bill C-2, An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act.

The minister made a statement and, with the other witnesses, answered questions.

At 11:00 a.m., the Committee adjourned to the call of the Chair.

Diane Diotte, Mark D'Amore
Clerks of the Committee

2005/02/22 1:39 p.m.

E-mail to:

HOUSE OF COMMONS OF CANADA
38th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON JUSTICE, HUMAN RIGHTS,
PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Chair: Hon. Paul DeVillers, Lib.

Meeting No. 23

Thursday, February 24, 2005

ORDER OF THE DAY:

Pursuant to the Order of Reference of Tuesday, November 2, 2004, the Committee resumed consideration of Bill C-13, An Act to amend the Criminal Code, the DNA Identification Act and the National Defence Act

The Committee proceeded to the consideration of matters related to Committee business

MEMBERS OF THE COMMITTEE PRESENT:

Diane Bourgeois,
Garry Breitkreuz,
Joe Comartin,
Hon. Paul DeVillers,
Hon. Paul Harold Macklin,
John Maloney,
Richard Marceau,
Anita Neville,
Myron Thompson
and Mark Warawa.

ACTING MEMBERS PRESENT:

Rob Moore for Vic Toews,
and Alan Tonks for Hon. Roy Cullen

IN ATTENDANCE:

Library of Parliament:

Philip Rosen, Principal;
Robin MacKay, Analyst.

WITNESSES:

As Individual:

Helen C. Ward, Staff Psychiatrist, Forensic Psychiatry and
Schizophrenia, Royal Ottawa Hospital.

National Action Committee on the Status of Women:

Sungee John, Interim President.

Diane Diotte, Mark D'Amore
Clerks of the Committee

MINUTES OF PROCEEDINGS

Meeting No. 23

Thursday, February 24, 2005

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met at 9:09 a.m. this day, in Room 371 West Block, the Chair, Paul DeVillers, presiding.

Members of the Committee present: Diane Bourgeois, Garry Breitkreuz, Joe Comartin, Hon. Paul DeVillers, Hon. Paul Harold Macklin, John Maloney, Richard Marceau, Anita Neville, Myron Thompson and Mark Warawa.

Acting Members present: Rob Moore for Vic Toews and Alan Tonks for Hon. Roy Cullen.

In attendance: Library of Parliament: Philip Rosen, Principal; Robin MacKay, Analyst.

Witnesses: As an Individual: Helen C. Ward, Staff Psychiatrist, Forensic Psychiatry and Schizophrenia, Royal Ottawa Hospital. *National Action Committee on the Status of Women:* Sungee John, Interim President.

Pursuant to the Order of Reference of Tuesday, November 2, 2004, the Committee resumed consideration of Bill C-13, An Act to amend the Criminal Code, the DNA Identification Act and the National Defence Act.

The witnesses each made a statement and answered questions.

At 10:25 a.m., the sitting was suspended.

At 10:30 a.m., the sitting resumed *in camera*.

The Committee proceeded to the consideration of matters related to Committee business.

It was agreed, — That the First Report of the Subcommittee on Public Safety and National Security in relation to Bill C-26, “*An Act to establish the Canada Border Services Agency*” be adopted by the Committee as the Committee's Fifth Report and that the Chair report it to the House.

It was agreed, — That with regard to evidence in the government's response to Order Paper Question Q-53 on January 31, 2005 showing 1,217 unprocessed and unopened routine DNA service requests as of November 30, 2004, and that the number of unprocessed and unopened routine DNA service requests grew from 752 to 1,217 between the end of 2003 and November 30, 2004, be it resolved that RCMP Commissioner Zaccardelli be advised by way of this motion that he will be asked to explain why he told the Committee on November 24, 2004 that, “There is no backlog in terms of DNA analysis”.

It was agreed, — That whereas it has been accepted by a majority of the subcommittee that it should review the use of Security Certificates issued pursuant to the Immigration and Refugee Protection Act; therefore be it resolved that the Subcommittee on Public Safety and National Security be mandated to undertake a review of Section 4 of the Security of Information Act and a study of the use of Security Certificates, and report on each of them.

It was agreed, — That the Commissioner of the RCMP, the Commanding Officer, C Division and the Customs Excise Union be invited to appear before the Committee on Thursday, March 10, 2005 in relation to the closure of the RCMP detachments in Quebec.

It was agreed, — That the Minister of Justice and the Minister of Public Safety and Emergency Preparedness be invited to appear before the Committee in relation to the Main Estimates.

At 10:56 a.m., the Committee adjourned to the call of the Chair.

Diane Diotte, Mark D'Amore
Clerks of the Committee

2005/02/25 1:55 p.m.

E-mail to

HOUSE OF COMMONS OF CANADA
38th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON JUSTICE, HUMAN RIGHTS,
PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Chair: Paul DeVillers, Lib.

Meeting No. 24

Tuesday, March 8, 2005

IN CAMERA

MINUTES OF PROCEEDINGS

Meeting No. 24

Tuesday, March 8, 2005

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met *in camera* at 9:02 a.m. this day, in Room 371 West Block, the Chair, Paul DeVillers, presiding.

Members of the Committee present: Diane Bourgeois, Garry Breitkreuz, Joe Comartin, Hon. Roy Cullen, Hon. Paul DeVillers, Hon. Paul Harold Macklin, John Maloney, Richard Marceau, Anita Neville, Myron Thompson and Mark Warawa.

Acting Members present: Rob Moore for Vic Toews.

Attendance: Library of Parliament: Philip Rosen, Principal ; Robin MacKay, Analyst.

Witnesses: As Individuals: Julia Buote; Sophie Dupont; Christine Héroux.

Pursuant to the Order of Reference of Monday, October 18, 2004, the Committee resumed consideration of Bill C-2, An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act.

The witnesses made statements and answered questions.

At 10:09 a.m., the Committee proceeded to the consideration of matters related to Committee business.

At 10:11 a.m., the Committee adjourned to the call of the Chair.

Diane Diotte, Mark D'Amore
Clerks of the Committee

2005/03/11 11:19 a.m.

[E-mail this page](#) | [Close](#)

HOUSE OF COMMONS OF CANADA
38th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON JUSTICE, HUMAN RIGHTS,
PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Chair: Paul DeVillers, Lib.

Meeting No. 25

Tuesday, March 22, 2005

ORDERS OF THE DAY:

Pursuant to Standing Order 108(2), the Committee resumed its study on the closing of RCMP detachments

Pursuant to the Order of Reference of Tuesday, November 2, 2004, the Committee resumed consideration of Bill C-13, An Act to amend the Criminal Code, the DNA Identification Act and the National Defence Act.

MEMBERS OF THE COMMITTEE PRESENT:

Garry Breitkreuz,
Joe Comartin,
Hon. Roy Cullen,
Hon. Paul DeVillers,
Hon. Paul Harold Macklin,
John Maloney,
Richard Marceau,
Myron Thompson,
Vic Toews
and Mark Warawa.

ACTING MEMBERS PRESENT:

Serge Ménard for Diane Bourgeois,
Rob Moore for Vic Toews,
and Hon. Denis Paradis for Anita Neville.

ASSOCIATE MEMBER PRESENT:

Peter MacKay.

OTHER MEMBERS PRESENT:

France Bonsant,
Paul Crête
and Robert Vincent.

IN ATTENDANCE:

Library of Parliament:
Philip Rosen, Principal ;
Robin MacKay, Analyst.

WITNESSES:

Customs Excise Union:
Ron Moran, National President;
Jean-Pierre Fortin, National Vice-President, Region of Quebec.

Quebec RCMP Officers' Association:
Gaétan Delisle, President;
André Girard, Treasurer.

Royal Canadian Mounted Police:
Giuliano Zaccardelli, Commissioner;
Pierre-Yves Bourduas, Assistant Commissioner, Commanding
Officer, "C" Division.

National Police Services of the Royal Canadian Mounted Police:
Peter D. Martin, Deputy Commissioner.

Royal Canadian Mounted Police:
Giuliano Zaccardelli, Commissioner.

Diane Diotte
Clerk of the Committee

MINUTES OF PROCEEDINGS

Meeting No. 25

Tuesday, March 22, 2005

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met in a televised session at 9:03 a.m. this day, in Room 253-D Centre Block, the Chair, Paul DeVillers, presiding.

Members of the Committee present: Garry Breitkreuz, Joe Comartin, Hon. Roy Cullen, Hon. Paul DeVillers, Hon. Paul Harold Macklin, John Maloney, Richard Marceau, Myron Thompson, Vic Toews and Mark Warawa.

Acting Members present: Serge Ménard for Diane Bourgeois, Rob Moore for Vic Toews and Hon. Denis Paradis for Anita Neville.

Associate Members present: Peter MacKay.

Other Members present: France Bonsant, Paul Crête and Robert Vincent.

In attendance: Library of Parliament: Philip Rosen, Principal ; Robin MacKay, Analyst.

Witnesses: Customs Excise Union: Ron Moran, National President; Jean-Pierre Fortin, National Vice-President, Region of Quebec. *Quebec RCMP Officers' Association:* Gaétan Delisle, President; André Girard, Treasurer. *Royal Canadian Mounted Police:* Giuliano Zaccardelli, Commissioner; Pierre-Yves Bourduas, Assistant Commissioner, Commanding Officer, "C" Division. *National Police Services of the Royal Canadian Mounted Police:* Peter D. Martin, Deputy Commissioner.

Pursuant to Standing Order 108(2), the Committee resumed its study on the closing of RCMP detachments

It was agreed, — That the brief presented by Customs Excise Union be taken as read and published in today's *Evidence*.

Ron Moran and Gaétan Delisle each made a statement and answered questions with the other witnesses of Customs Excise Union and the Quebec RCMP Officers' Association.

At 10:05 a.m., the sitting was suspended.

At 10:13 a.m., the sitting resumed.

Giuliano Zaccardelli made a statement and, with Pierre-Yves Bourduas, answered questions.

At 11:16 a.m, pursuant to the Order of Reference of Tuesday, November 2, 2004, the Committee resumed consideration of Bill C-13, An Act to amend the Criminal Code, the DNA Identification Act and the National Defence Act - (Consideration of DNA Service Requests)

Giuliano Zaccardelli and Peter D. Martin answered questions.

At 11:32 a.m., the Committee adjourned to the call of the Chair.

Diane Diotte
Clerk of the Committee

2005/03/22 2:41 p.m.

E-mail to

HOUSE OF COMMONS OF CANADA
38th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON JUSTICE, HUMAN RIGHTS,
PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Chair: Paul DeVillers, Lib.

Meeting No. 26

Thursday, March 24, 2005

ORDERS OF THE DAY:

Pursuant to the Order of Reference of Monday, October 18, 2004, the Committee resumed consideration of Bill C-2, An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act.

The Committee proceeded to the consideration of matters related to Committee business.

MEMBERS OF THE COMMITTEE PRESENT:

Diane Bourgeois,
Joe Comartin,
Hon. Roy Cullen,
Hon. Paul DeVillers,
Hon. Paul Harold Macklin,
John Maloney,
Richard Marceau,
Anita Neville,
Myron Thompson,
Vic Toews
and Mark Warawa.

ACTING MEMBER PRESENT:

Paule Brunelle for Richard Marceau.

ASSOCIATE MEMBERS PRESENT:

Libby Davies
and Rob Moore.

IN ATTENDANCE:

Library of Parliament:

Philip Rosen, Principal ;
Robin MacKay, Analyst.

WITNESSES:

As an Individual:

Nicholas Bala, Professor of Law, Faculty of Law, Queen's
University.

Canadian Civil Liberties Association:

A. Alan Borovoy, General Counsel;
Alexi Nicole Wood, Policy Analyst.

Diane Diotte
Clerk of the Committee

MINUTES OF PROCEEDINGS

Meeting No. 26

Thursday, March 24, 2005

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met at 9:03 a.m. this day, in Room 269 West Block, the Chair, Paul DeVillers, presiding.

Members of the Committee present: Diane Bourgeois, Joe Comartin, Hon. Roy Cullen, Hon. Paul DeVillers, Hon. Paul Harold Macklin, John Maloney, Richard Marceau, Anita Neville, Myron Thompson, Vic Toews and Mark Warawa.

Acting Members present: Paule Brunelle for Richard Marceau.

Associate Members present: Libby Davies and Rob Moore.

In attendance: Library of Parliament: Philip Rosen, Principal ; Robin MacKay, Analyst.

Witnesses: As an Individual: Nicholas Bala, Professor of Law, Faculty of Law, Queen's University.
Canadian Civil Liberties Association: A. Alan Borovoy, General Counsel; Alexi Nicole Wood, Policy Analyst.

Pursuant to the Order of Reference of Monday, October 18, 2004, the Committee resumed consideration of Bill C-2, An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act.

Nicholas Bala and A. Alan Borovoy each made a statement and, with the other witness, answered questions.

At 10:35 a.m., the sitting was suspended.

At 10:37 a.m., the sitting resumed *in camera*.

The Committee proceeded to the consideration of matters related to Committee business.

It was agreed on division, — That the mandate of the Sub-Committee on Solicitation Laws encompass the elements incorporated in the letter of the Minister of Justice to the Chair of the Committee, dated November 19, 2004, and matters related to it.

It was agreed on division, — That the budget in the amount of \$39,900, proposed by the Subcommittee on Solicitation Laws, for a study on Solicitation Laws starting April 1, 2005, be adopted.

It was agreed on division, — That the budget in the amount of \$56,526, for visits to Reno, Nevada, proposed by the Subcommittee on Solicitation Laws, be adopted and that the Chair of the Sub-Committee present the said budget to the Budget Sub-Committee of the Liaison Committee.

It was agreed on division, — That the budget in the amount of \$143,678, for visits to Liverpool, London, Utrecht, Amsterdam and Stockholm, proposed by the Sub-Committee on Solicitation Laws, be adopted and that the Chair present the said budget to the Budget Subcommittee of the Liaison

Committee.

It was agreed, — That the clause-by-clause study of Bill C-13 take place on April 14, 2005.

At 11:02 a.m., the Committee adjourned to the call of the Chair.

Diane Diotte
Clerk of the Committee

2005/03/24 4:15 p.m.

E-mail to

HOUSE OF COMMONS OF CANADA
38th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON JUSTICE, HUMAN RIGHTS,
PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Chair: Paul DeVillers, Lib.

Meeting No. 27

Tuesday, April 5, 2005

ORDER OF THE DAY:

Pursuant to the Order of Reference of Monday, October 18, 2004, the Committee resumed consideration of Bill C-2, An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act.

MEMBERS OF THE COMMITTEE PRESENT:

Garry Breitkreuz,
Joe Comartin,
Hon. Roy Cullen,
Hon. Paul DeVillers,
Hon. Paul Harold Macklin,
John Maloney,
Richard Marceau,
Anita Neville,
Myron Thompson
and Mark Warawa.

ACTING MEMBERS PRESENT:

Rob Moore for Vic Toews.

IN ATTENDANCE:

Library of Parliament:

Philip Rosen, Principal ;
Robin MacKay, Analyst.

WITNESSES:

British Columbia Civil Liberties Association:

John Dixon, President.

Canadian Bar Association:

Tamra L. Thomson, Director, Legislation and Law Reform;
Marc David, Chair, National Criminal Justice Section.

Centre for Children and Families in the Justice System:

Pamela Hurley, Director, Child Witness Project.

Writers' Union of Canada:

Bill Freeman, Chair;
Marian Hebb, Representative.

Diane Diotte
Clerk of the Committee

MINUTES OF PROCEEDINGS

Meeting No. 27

Tuesday, April 5, 2005

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met at 9:02 a.m. this day, in Room 209 West Block, the Chair, Paul DeVillers, presiding.

Members of the Committee present: Garry Breitkreuz, Joe Comartin, Hon. Roy Cullen, Hon. Paul DeVillers, Hon. Paul Harold Macklin, John Maloney, Richard Marceau, Anita Neville, Myron Thompson and Mark Warawa.

Acting Members present: Rob Moore for Vic Toews.

In attendance: Library of Parliament: Philip Rosen, Principal ; Robin MacKay, Analyst.

Witnesses: British Columbia Civil Liberties Association: John Dixon, President. *Canadian Bar Association:* Tamra L. Thomson, Director, Legislation and Law Reform; Marc David, Chair, National Criminal Justice Section. *Centre for Children and Families in the Justice System:* Pamela Hurley, Director, Child Witness Project. *Writers' Union of Canada:* Bill Freeman, Chair; Marian Hebb, Representative.

Pursuant to the Order of Reference of Monday, October 18, 2004, the Committee resumed consideration of Bill C-2, An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act.

The witnesses made statements and answered questions.

At 10:55 a.m., the Committee adjourned to the call of the Chair.

Diane Diotte
Clerk of the Committee

2005/04/05 1:11 p.m.

E-mail to

HOUSE OF COMMONS OF CANADA
38th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON JUSTICE, HUMAN RIGHTS,
PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Chair: Paul DeVillers, Lib.

Meeting No. 28

Wednesday, April 6, 2005

ORDER OF THE DAY:

The Committee proceeded to the consideration of matters related to Committee business.

MEMBERS OF THE COMMITTEE PRESENT:

Garry Breitkreuz,
Joe Comartin,
Hon. Roy Cullen,
Hon. Paul DeVillers,
Hon. Paul Harold Macklin,
John Maloney,
Richard Marceau,
Anita Neville,
Vic Toews
and Mark Warawa.

ACTING MEMBERS PRESENT:

Serge Ménard for Diane Bourgeois,
and Rob Moore for Myron Thompson.

ASSOCIATE MEMBER PRESENT:

Libby Davies.

IN ATTENDANCE:

Library of Parliament:

Philip Rosen, Principal;
Robin MacKay, Analyst.

Diane Diotte
Clerk of the Committee

MINUTES OF PROCEEDINGS

Meeting No. 28

Wednesday, April 6, 2005

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met *in camera* at 4:00 p.m. this day, in Room 208 West Block, the Chair, Paul DeVillers, presiding.

Members of the Committee present: Garry Breitkreuz, Joe Comartin, Hon. Roy Cullen, Hon. Paul DeVillers, Hon. Paul Harold Macklin, John Maloney, Richard Marceau, Anita Neville, Vic Toews and Mark Warawa.

Acting Members present: Serge Ménard for Diane Bourgeois and Rob Moore for Myron Thompson.

Associate Members present: Libby Davies.

In attendance: Library of Parliament: Philip Rosen, Principal ; Robin MacKay, Analyst.

The Committee proceeded to the consideration of matters related to Committee business.

It was agreed, — That the clause-by-clause study of Bill C-13 take place on April 21, 2005.

At 4:01 p.m., the sitting was suspended.

At 4:02 p.m., by unanimous consent, the sitting resumed in public.

Richard Marceau moved, — That the Committee draw to the attention of the House the fact that the Minister of Public Safety and Emergency Preparedness and the Senior Management of the Royal Canadian Mounted Police have not taken into account the opinion expressed by the Committee in its Fourth Report but rather have continued the process of closing nine RCMP detachments in Quebec, and that the Committee ask that the Minister and the RCMP put a stop to its personnel redeployment plan and reopen the detachments concerned.

Debate arose thereon.

After debate, the question was put on the motion and it was agreed to, by a show of hands: YEAS: 7; NAYS: 4.

Garry Breitkreuz moved, — That pursuant to Standing Order 81(4), the Committee hold meetings to consider and report on the 2005-06 Main Estimates for the Solicitor General (Department of Public Safety and Emergency Preparedness) Votes 1, 5, 10, 15, 20, 25, 30, 35, 40, 45, 50, 60, 65, 70, 75, 80, 85 for the Solicitor General (Department of Public Safety and Emergency Preparedness); that the Committee invite the Minister and senior officials to appear before the Committee; that the Minister provide information relating to future expenditure plans and priorities of the Department; and that pursuant to Standing Order 81(7&8), the Committee consider and report recommendations on the future expenditure plans and priorities of the Department.

Debate arose thereon.

Roy Cullen moved, — That the motion be amended by adding the words “and Privy Council, Vote 30” after the word “Preparedness”.

After debate, the question was put on the amendment of Roy Cullen and it was agreed to.

After debate, the question was put on the motion, as amended, and it was agreed to.

Vic Toews moved, — That pursuant to Standing Order 81(4), the Committee hold meetings to consider and report on the 2005-06 Main Estimates for the Minister of Justice, Votes 1, 5, 10, 15, 20, 25, 30, 35 and 50 for the Department of Justice and Vote 30 for Privy Council; that the Committee invite the Minister and senior officials to appear before the committee; that the Minister provide information relating to future expenditure plans and priorities of the Department; and that pursuant to Standing Order 81(7) and 81(8), the Committee consider and report recommendations on the future expenditure plans and priorities of the Department.

Debate arose thereon.

Roy Cullen moved, — That the motion be amended by deleting the words “and Vote 30 for Privy Council”.

After debate, the question was put on the amendment of Roy Cullen and it was agreed to.

After debate, the question was put on the motion, as amended, and it was agreed to.

On motion of Anita Neville, it was agreed, — That an operational budget of \$39,400 be adopted for the study of Bill C-17 for the period starting May 1, 2005.

On motion of Richard Marceau, it was agreed, — That, with regard to the certificate of nomination of Yves Le Bouthillier to the position of President, Law Commission of Canada, Mr. Le Bouthillier be invited to appear before the Committee.

At 4:54 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte
Clerk of the Committee

2005/04/15 2:01 p.m.

E-mail to

HOUSE OF COMMONS OF CANADA
38th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON JUSTICE, HUMAN RIGHTS,
PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Chair: Paul DeVillers. Lib.

Meeting No. 29

Thursday, April 7, 2005

ORDER OF THE DAY:

Pursuant to the Order of Reference of Monday, October 18, 2004, the Committee resumed consideration of Bill C-2, An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act.

MEMBERS OF THE COMMITTEE PRESENT:

Garry Breitkreuz,
Joe Comartin,
Hon. Paul DeVillers,
Hon. Paul Harold Macklin,
Richard Marceau,
Anita Neville,
Vic Toews
and Mark Warawa.

IN ATTENDANCE:

Library of Parliament:
Philip Rosen, Principal ;
Robin MacKay, Analyst.

WITNESSES:

Federation of Canadian Naturists:

Judy Emily Williams, Government Affairs Officer;
Stéphane Deschênes, President.

Union des écrivaines et des écrivains québécois:

Charles Montpetit, Responsable of the Committee for the Freedom
of Speech.

Canadian Conference of the Arts :

Jean Malavoy, National Director;
Frank Addario, Lawyer, Sack Goldblatt Mitchell.

Entrepreneurs Against Pedophiles:

Harold Douglas Stead, Director.

Diane Diotte
Clerk of the Committee

MINUTES OF PROCEEDINGS

Meeting No. 29

Thursday, April 7, 2005

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met at 9:06 a.m. this day, in Room 237-C Centre Block, the Chair, Paul DeVillers, presiding.

Members of the Committee present: Garry Breitkreuz, Joe Comartin, Hon. Paul DeVillers, Hon. Paul Harold Macklin, Richard Marceau, Anita Neville, Vic Toews and Mark Warawa.

In attendance: Library of Parliament: Philip Rosen, Analyst; Robin MacKay, Analyst.

Witnesses: Federation of Canadian Naturists: Judy Emily Williams, Government Affairs Officer; Stéphane Deschênes, President. *Union des écrivaines et des écrivains québécois:* Charles Montpetit, Responsable of the Committee for the Freedom of Speech. *Canadian Conference of the Arts :* Jean Malavoy, National Director; Frank Addario, Lawyer, Sack Goldblatt Mitchell. *Entrepreneurs Against Pedophiles:* Harold Douglas Stead, Director.

Pursuant to the Order of Reference of Monday, October 18, 2004, the Committee resumed consideration of Bill C-2, An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act.

The witnesses made statements and answered questions.

At 11:02 a.m., the Committee adjourned to the call of the Chair.

Diane Diotte
Clerk of the Committee

2005/04/15 2:01 p.m.

E-mail to

HOUSE OF COMMONS OF CANADA
38th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON JUSTICE, HUMAN RIGHTS,
PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Chair: Paul DeVillers. Lib.

Meeting No. 30

Thursday, April 7, 2005

ORDER OF THE DAY:

Pursuant to Standing Order 108(2), the Committee commenced its study of the process by which judges are appointed to the Supreme Court of Canada.

MEMBERS OF THE COMMITTEE PRESENT:

Garry Breitkreuz,
Joe Comartin,
Hon. Paul DeVillers,
Hon. Paul Harold Macklin,
Richard Marceau,
Anita Neville,
Vic Toews
and Mark Warawa.

ACTING MEMBERS PRESENT:

Rob Moore for Myron Thompson.

IN ATTENDANCE:

Library of Parliament:
Philip Rosen, Principal ;
Robin MacKay, Analyst.

APPEARING:

Hon. Irwin Cotler, Minister of Justice.

WITNESSES:

Department of Justice:

Judith Bellis, General Counsel, Courts and Tribunal Policy;
François Giroux, Judicial Affairs Advisor, Minister's Office.

Diane Diotte
Clerk of the Committee

MINUTES OF PROCEEDINGS

Meeting No. 30

Thursday, April 7, 2005

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met in a televised session at 11:11 a.m. this day, in Room 237-C Centre Block, the Chair, Paul DeVillers, presiding.

Members of the Committee present: Garry Breitkreuz, Joe Comartin, Hon. Paul DeVillers, Hon. Paul Harold Macklin, Richard Marceau, Anita Neville, Vic Toews and Mark Warawa.

Acting Members present: Rob Moore for Myron Thompson.

In attendance: Library of Parliament: Philip Rosen, Analyst; Robin MacKay, Analyst.

Appearing: Hon. Irwin Cotler, Minister of Justice.

Witnesses: Department of Justice: Judith Bellis, General Counsel, Courts and Tribunal Policy; François Giroux, Judicial Affairs Advisor, Minister's Office.

Pursuant to Standing Order 108(2), the Committee commenced its study of the process by which judges are appointed to the Supreme Court of Canada.

The Minister made a statement and, with the other witnesses, answered questions.

Notice of motion given by Richard Marceau: "That the Committee expresses its great disappointment with regards to the proposed reform of the appointment process for the Supreme Court Justices by the government; denounces the overly broad discretion given to the Justice Minister and the Prime Minister in the suggested process; requests that the government reconsider its position and come back to the Committee before the end of June with a new and more ambitious reform proposal, including a more important role for parliamentarians and the provinces."

At 1:10 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte
Clerk of the Committee

2005/04/08 11:36 a.m.

E-mail to

HOUSE OF COMMONS OF CANADA
38th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON JUSTICE, HUMAN RIGHTS,
PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Chair: Paul DeVillers, Lib.

Meeting No. 31

Tuesday, April 12, 2005

ORDER OF THE DAY:

Pursuant to the Order of Reference of Monday, October 18, 2004, the Committee resumed consideration of Bill C-2, An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act.

MEMBERS OF THE COMMITTEE PRESENT:

Garry Breitkreuz
Joe Comartin
Hon. Roy Cullen
Hon. Paul DeVillers
Hon. Paul Harold Macklin
John Maloney
Richard Marceau
Serge Ménard
Anita Neville
Myron Thompson
Mark Warawa.

ACTING MEMBER PRESENT:

Rob Moore for Vic Toews.

IN ATTENDANCE:

Library of Parliament:

Philip Rosen, Principal
Robin MacKay, Analyst.

WITNESSES:

International Centre to Combat Exploitation of Children:

Cherry Kingsley, Executive Director.

Canadian Artists' Representation:

Audrey Churgin, National Director
John Greyson, Artist Member.

Barreau du Québec:

Nicole Dufour, Lawyer, Research and Legislation Service
Lori-Renée Weitzman, Lawyer, Member of the Committee on
Criminal Law.

Canadian Broadcasting Corporation:

Edith Cody-Rice, Senior Legal Counsel, Privacy Coordinator.

Diane Diotte
Clerk of the Committee

MINUTES OF PROCEEDINGS

Meeting No. 31

Tuesday, April 12, 2005

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met at 9:08 a.m. this day, in Room 209 West Block, the Chair, Paul DeVillers, presiding.

Members of the Committee present: Garry Breitkreuz, Joe Comartin, Hon. Roy Cullen, Hon. Paul DeVillers, Hon. Paul Harold Macklin, John Maloney, Richard Marceau, Serge Ménard, Anita Neville, Myron Thompson and Mark Warawa.

Acting Members present: Rob Moore for Vic Toews.

In attendance: Library of Parliament: Philip Rosen, Principal ; Robin MacKay, Analyst.

Witnesses: International Centre to Combat Exploitation of Children: Cherry Kingsley, Executive Director. *Canadian Artists' Representation:* Audrey Churgin, National Director; John Greyson, Artist Member. *Barreau du Québec:* Nicole Dufour, Lawyer, Research and Legislation Service; Lori-Renée Weitzman, Lawyer, Member of the Committee on Criminal Law. *Canadian Broadcasting Corporation:* Edith Cody-Rice, Senior Legal Counsel, Privacy Coordinator.

Pursuant to the Order of Reference of Monday, October 18, 2004, the Committee resumed consideration of Bill C-2, An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act.

The witnesses made statements and answered questions.

At 11:05 a.m., the sitting was suspended.

At 11:07 a.m., the sitting resumed.

Richard Marceau moved, — That the Committee expresses its great disappointment with regards to the proposed reform of the appointment process for the Supreme Court Justices by the government; denounces the overly broad discretion given to the Justice Minister and the Prime Minister in the suggested process; requests that the government reconsider its position and come back to the Committee before the end of June with a new and more ambitious reform proposal, including a more important role for parliamentarians and the provinces.

Debate arose thereon.

After debate, the question was put on the motion and it was agreed to, by a show of hands: YEAS: 6; NAYS: 5.

At 11:15 a.m., the Committee adjourned to the call of the Chair.

Diane Diotte
Clerk of the Committee

2005/04/15 2:02 p.m.

E-mail to

HOUSE OF COMMONS OF CANADA
38th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON JUSTICE, HUMAN RIGHTS,
PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Chair: Paul DeVillers. Lib.

Meeting No. 32

Thursday, April 14, 2005

ORDER OF THE DAY:

Pursuant to the Order of Reference of Monday, October 18, 2004, the Committee resumed consideration of Bill C-2, An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act.

MEMBERS OF THE COMMITTEE PRESENT:

Joe Comartin,
Hon. Roy Cullen,
Hon. Paul DeVillers,
John Maloney,
Anita Neville,
Myron Thompson
and Mark Warawa.

ACTING MEMBERS PRESENT:

Diane Bourgeois for Richard Marceau,
and Rob Moore for Garry Breitkreuz.

IN ATTENDANCE:

Library of Parliament:
Philip Rosen, Principal;
Robin MacKay, Analyst.

WITNESSES:

Evangelical Fellowship of Canada:

Janet Epp Buckingham, Director, Law and Public Policy.

Canadian Professional Police Association:

David Griffin, Executive Officer.

As an Individual:

Ron Langevin, Forensic Psychologist, Juniper Associates.

Diane Diotte
Clerk of the Committee

MINUTES OF PROCEEDINGS

Meeting No. 32

Thursday, April 14, 2005

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met at 9:05 a.m. this day, in Room 269 West Block, the Chair, Paul DeVillers, presiding.

Members of the Committee present: Joe Comartin, Hon. Roy Cullen, Hon. Paul DeVillers, John Maloney, Anita Neville, Myron Thompson and Mark Warawa.

Acting Members present: Diane Bourgeois for Richard Marceau and Rob Moore for Garry Breitkreuz.

In attendance: Library of Parliament: Philip Rosen, Principal ; Robin MacKay, Analyst.

Witnesses: Evangelical Fellowship of Canada: Janet Epp Buckingham, Director, Law and Public Policy. *Canadian Professional Police Association:* David Griffin, Executive Officer. *As an Individual:* Ron Langevin, Forensic Psychologist, Juniper Associates.

Pursuant to the Order of Reference of Monday, October 18, 2004, the Committee resumed consideration of Bill C-2, An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act.

Janet Epp Buckingham and David Griffin made an opening statement and answered questions.

At 10:09 a.m., the sitting was suspended.

At 10:11 a.m., the sitting resumed.

Ron Langevin made a statement and answered questions.

At 10:56 a.m., the Committee adjourned to the call of the Chair.

Diane Diotte
Clerk of the Committee

2005/04/19 1:16 p.m.

E-mail to

HOUSE OF COMMONS OF CANADA
38th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON JUSTICE, HUMAN RIGHTS,
PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Chair: Paul DeVillers, Lib.

Meeting No. 33

Tuesday, April 19, 2005

ORDERS OF THE DAY:

Pursuant to the Order of Reference of Monday, October 18, 2004, the Committee resumed consideration of Bill C-2, An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act.

The Committee proceeded to the consideration of matters related to Committee business.

MEMBERS OF THE COMMITTEE PRESENT:

Garry Breitkreuz
Joe Comartin
Hon. Roy Cullen
Hon. Paul DeVillers
Hon. Paul Harold Macklin
John Maloney
Richard Marceau
Serge Ménard
Anita Neville
Myron Thompson
Vic Toews
Mark Warawa.

IN ATTENDANCE:

Library of Parliament:

Philip Rosen, Principal

Robin MacKay, Analyst.

WITNESSES:

Child Welfare League of Canada:

Gordon Phaneuf, Director, Strategic Initiatives.

Salvation Army in Canada:

Danielle Shaw, Director, Government Relations

Nancy Turley, Advisor, Territorial Abuse.

Toronto Police Service:

Paul Gillespie, Detective Sergeant.

Beyond Borders Inc.:

J. R. Norman Boudreau, Vice-President, Volunteer Executive Board;

David Butt, Board Member, Beyond Borders Toronto.

Diane Diotte
Clerk of the Committee

Français [Close](#)

MINUTES OF PROCEEDINGS

Meeting No. 33

Tuesday, April 19, 2005

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met at 9:03 a.m. this day, in Room 371 West Block, the Chair, Paul DeVillers, presiding.

Members of the Committee present: Garry Breitkreuz, Joe Comartin, Hon. Roy Cullen, Hon. Paul DeVillers, Hon. Paul Harold Macklin, John Maloney, Richard Marceau, Serge Ménard, Anita Neville, Myron Thompson, Vic Toews and Mark Warawa.

In attendance: Library of Parliament: Philip Rosen, Principal; Robin MacKay, Analyst.

Witnesses: Child Welfare League of Canada: Gordon Phaneuf, Director, Strategic Initiatives. *Salvation Army in Canada:* Danielle Shaw, Director, Government Relations; Nancy Turley, Advisor, Territorial Abuse. *Toronto Police Service:* Paul Gillespie, Detective Sergeant. *Beyond Borders Inc.:* J. R. Norman Boudreau, Vice-President, Volunteer Executive Board; David Butt, Board Member, Beyond Borders Toronto.

Pursuant to the Order of Reference of Monday, October 18, 2004, the Committee resumed consideration of Bill C-2, An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act.

The witnesses made statements and answered questions.

At 11:01 a.m., the sitting was suspended.

At 11:08 a.m., the sitting resumed *in camera*.

The Committee proceeded to the consideration of matters related to Committee business.

Pursuant to Standing Order 108(2) and the motion adopted by the Committee on April 12, 2005, it was agreed, on division, that the draft report concerning the process of appointment to the Supreme Court be adopted and that the Chair present it to the House as the Committee's report.

It was agreed, — That the clause-by-clause study of Bill C-13 take place on May 5, 2005.

At 11:27 a.m., the Committee adjourned to the call of the Chair.

Diane Diotte
Clerk of the Committee

2005/04/22 9:53 a.m.

E-mail th

HOUSE OF COMMONS OF CANADA
38th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON JUSTICE, HUMAN RIGHTS,
PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Chair: Paul DeVillers, Lib.

Meeting No. 34

Thursday, April 21, 2005

ORDERS OF THE DAY:

Pursuant to the Order of Reference of Monday, October 18, 2004, the Committee resumed consideration of Bill C-2, An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act.

The Committee proceeded to the consideration of matters related to Committee business.

MEMBERS OF THE COMMITTEE PRESENT:

Garry Breitkreuz
Hon. Roy Cullen
Hon. Paul DeVillers
Hon. Paul Harold Macklin
John Maloney
Richard Marceau
Serge Ménard
Anita Neville
Myron Thompson
Vic Toews
Mark Warawa.

IN ATTENDANCE:

Library of Parliament:

Philip Rosen, Principal
Robin MacKay, Analyst.

WITNESSES:

Canadians Addressing Sexual Exploitation:

Dolina Smith, President.

REAL Women of Canada:

Gwendolyn Landolt, National Vice-President.

Criminal Lawyers Association:

Paul Burstein, Director
Karen Unger, Barrister.

Canadian Resource Centre for Victims of Crime:

Steve Sullivan, President.

Diane Diotte
Clerk of the Committee

MINUTES OF PROCEEDINGS

Meeting No. 34

Thursday, April 21, 2005

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met at 9:01 a.m. this day, in Room 705 La Promenade Building, the Chair, Paul DeVillers, presiding.

Members of the Committee present: Garry Breitkreuz, Hon. Roy Cullen, Hon. Paul DeVillers, Hon. Paul Harold Macklin, John Maloney, Richard Marceau, Serge Ménard, Anita Neville, Myron Thompson, Vic Toews and Mark Warawa.

In attendance: Library of Parliament: Philip Rosen, Principal; Robin MacKay, Analyst.

Witnesses: Canadians Addressing Sexual Exploitation: Dolina Smith, President. *REAL Women of Canada:* Gwendolyn Landolt, National Vice-President. *Criminal Lawyers Association:* Paul Burstein, Director; Karen Unger, Barrister. *Canadian Resource Centre for Victims of Crime:* Steve Sullivan, President.

Pursuant to the Order of Reference of Monday, October 18, 2004, the Committee resumed consideration of Bill C-2, An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act.

The witnesses made statements and answered questions.

At 9:52 a.m., Garry Breitkreuz took the Chair.

At 10:20 a.m., Paul DeVillers took the Chair.

At 11:12 a.m., the sitting was suspended.

At 11:16 a.m., the sitting resumed *in camera*.

The Committee proceeded to the consideration of matters related to Committee business.

On motion of Richard Marceau, it was agreed, — That the Committee undertake a study on child pornography and the role of the Internet and the responsibility of Internet service providers, and the impact of any new technology, in this phenomena, and then recommend to Parliament measures to fight this problem.

On motion of Garry Breitkreuz, it was agreed on division, — That the Committee accept the request by Mr. Dave Hepworth and Mr. Gary McLeod, former forensic scientists with RCMP Laboratory Services, to appear before the committee, and that the Committee give them the opportunity to present their evidence disputing claims made by the Commissioner of the RCMP with respect to the status of DNA cases and service requests, and the effectiveness and efficiency of the RCMP Laboratory Services.

It was agreed, — That the Clerk of the Committee be authorized to make the necessary arrangements to provide for working meals for the Committee when meetings are scheduled to finish at 1:00 p.m..

At 11:41 a.m., the Committee adjourned to the call of the Chair.

Diane Diotte
Clerk of the Committee

2005/04/21 4:06 p.m.

[E-mail this page](#) | [Print](#)

HOUSE OF COMMONS OF CANADA
38th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON JUSTICE, HUMAN RIGHTS,
PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Chair: Paul DeVillers, Lib.

Meeting No. 35

Tuesday, May 3, 2005

ORDERS OF THE DAY:

Pursuant to the Order of Reference of Monday, October 18, 2004, the Committee resumed consideration of Bill C-2, An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act.

Pursuant to the Order of Reference of Tuesday, November 2, 2004, the Committee resumed consideration of Bill C-13, An Act to amend the Criminal Code, the DNA Identification Act and the National Defence Act.

MEMBERS OF THE COMMITTEE PRESENT:

Garry Breitkreuz,
Joe Comartin,
Hon. Roy Cullen,
Hon. Paul DeVillers,
Hon. Paul Harold Macklin,
John Maloney,
Richard Marceau,
Serge Ménard,
Anita Neville,
Myron Thompson,
Vic Toews
and Mark Warawa.

ASSOCIATE MEMBER PRESENT:

Rob Moore.

OTHER MEMBER PRESENT:

Diane Bourgeois.

IN ATTENDANCE:

Library of Parliament:

Philip Rosen, Principal;
Robin MacKay, Analyst.

WITNESSES:

As Individuals:

Roseline de Grandmaison.

Canadian Association of Chiefs of Police:

Vincent Westwick, Co-Chair, Law Amendments Committee;
Vince Bevan, Vice-President, Chief, Ottawa Police Service;
Angie Howe, Detective Inspector, Child Pornography Section,
Ontario Provincial Police.

Ontario Provincial Police:

Peter Collins, Manager, Forensic Psychiatry Unit, Behavioural
Sciences Section, Associate Professor, University of Toronto.

Mental Health Centre Penetanguishene:

Marnie Rice, Scientific Director.

Department of Public Safety and Emergency Preparedness:

Karl Hanson, Senior Research Officer, Corrections Research
Division.

As Individuals:

David G. Hepworth;
Gary H. McLeod.

The witnesses from the Canadian Association of Chiefs of Police made a statement and answered questions.

Peter Collins, Marnie Rice and Karl Hanson made a statement and answered questions.

David G. Hepworth and Gary H. McLeod made a statement and answered questions.

Diane Diotte
Clerk of the Committee

Français [Close](#)

MINUTES OF PROCEEDINGS

Meeting No. 35

Tuesday, May 3, 2005

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met at 9:07 a.m. this day, in Room 705 La Promenade Building, the Chair, Paul DeVillers, presiding.

Members of the Committee present: Garry Breitkreuz, Joe Comartin, Hon. Roy Cullen, Hon. Paul DeVillers, Hon. Paul Harold Macklin, John Maloney, Richard Marceau, Serge Ménard, Anita Neville, Myron Thompson, Vic Toews and Mark Warawa.

Associate Members present: Rob Moore.

Other Members present: Diane Bourgeois.

In attendance: Library of Parliament: Philip Rosen, Principal; Robin MacKay, Analyst.

Witnesses: As an Individual: Roseline de Grandmaison. *Canadian Association of Chiefs of Police:* Vincent Westwick, Co-Chair, Law Amendments Committee; Vince Bevan, Vice-President, Chief, Ottawa Police Service; Angie Howe, Detective Inspector, Child Pornography Section, Ontario Provincial Police. *Ontario Provincial Police:* Peter Collins, Manager, Forensic Psychiatry Unit, Behavioural Sciences Section, Associate Professor, University of Toronto. *Mental Health Centre Penetanguishene:* Marnie Rice, Scientific Director. *Department of Public Safety and Emergency Preparedness:* Karl Hanson, Senior Research Officer, Corrections Research Division. *As Individuals:* David G. Hepworth; Gary H. McLeod.

Pursuant to the Order of Reference of Monday, October 18, 2004, the Committee resumed consideration of Bill C-2, An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act.

Roseline de Grandmaison made a statement and answered questions.

It was agreed on division, — That the Canadian Association of Chiefs of Police be allowed to show to Members of the Committee some pictures.

The witnesses from the Canadian Association of Chiefs of Police made a statement and answered questions.

At 10:20 a.m., the sitting was suspended.

At 10:26 a.m., the sitting resumed.

Peter Collins, Marnie Rice and Karl Hanson made a statement and answered questions.

At 12:02 p.m., the sitting was suspended.

At 12:57 p.m., the sitting resumed.

Pursuant to the Order of Reference of Tuesday, November 2, 2004, the Committee resumed consideration of Bill C-13, An Act to amend the Criminal Code, the DNA Identification Act and the National Defence Act.

David G. Hepworth and Gary H. McLeod made a statement and answered questions.

At 2:04 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte
Clerk of the Committee

2005/05/03 4:35 p.m.

E-mail th

HOUSE OF COMMONS OF CANADA
38th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON JUSTICE, HUMAN RIGHTS,
PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Chair: Hon. Paul DeVillers, Lib.

Meeting No. 36

Thursday, May 5, 2005

ORDERS OF THE DAY:

Pursuant to Standing Orders 110 and 111, the Committee commenced consideration of the certificate of nomination of Yves Le Bouthillier to the position of President of the Law Commission of Canada which was referred to the Committee on April 4, 2005.

The Committee proceeded to the consideration of matters related to Committee business.

MEMBERS OF THE COMMITTEE PRESENT:

Garry Breitkreuz,
Joe Comartin,
Hon. Roy Cullen,
Hon. Paul DeVillers,
Hon. Paul Harold Macklin,
John Maloney,
Serge Ménard,
Anita Neville,
Vic Toews
and Mark Warawa.

ACTING MEMBER PRESENT:

Rob Moore for Myron Thompson.

IN ATTENDANCE:

Library of Parliament:

Philip Rosen, Principal;

Robin MacKay, Analyst.

WITNESS:

As an Individual:

Yves Le Bouthillier.

Diane Diotte
Clerk of the Committee

FrançaisClose

MINUTES OF PROCEEDINGS

Meeting No. 36

Thursday, May 5, 2005

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met at 9:04 a.m. this day, in Room 705 La Promenade Building, the Chair, Paul DeVillers, presiding.

Members of the Committee present: Garry Breitkreuz, Joe Comartin, Hon. Roy Cullen, Hon. Paul DeVillers, Hon. Paul Harold Macklin, John Maloney, Serge Ménard, Anita Neville, Vic Toews and Mark Warawa.

Acting Members present: Rob Moore for Myron Thompson.

In attendance: Library of Parliament: Philip Rosen, Principal; Robin MacKay, Analyst.

Witnesses: As an Individual: Yves Le Bouthillier.

Pursuant to Standing Orders 110 and 111, the Committee commenced consideration of the certificate of nomination of Yves Le Bouthillier to the position of President of the Law Commission of Canada which was referred to the Committee on April 4, 2005.

Yves Le Bouthillier made a statement and answered questions.

At 9:49 a.m., Garry Breikreuz took the Chair.

At 10:22 a.m., the sitting was suspended.

At 10:41 a.m., the sitting resumed.

Paul Harold Macklin moved, — That the Chair report to the House that this Committee has examined the qualifications and competence of Yves Le Bouthillier as President of the Law Commission of Canada and finds him competent to perform the duties of the position to which he has been nominated.

By unanimous consent, after debate, the question was put on the motion and it was agreed to.

At 10:53 a.m., the sitting resumed *in camera*.

Paul DeVillers took the Chair.

The Committee proceeded to the consideration of matters related to Committee business.

It was agreed, — That the clause-by-clause study of Bill C-2 be scheduled for Thursday, May 19, 2005.

It was agreed, — That the motion adopted on Wednesday, November 17, 2004 concerning the future order of business be rescinded.

It was agreed, — That the Committee commence the study of Bill C-16 next week.

At 10:57 a.m., the Committee adjourned to the call of the Chair.

Diane Diotte
Clerk of the Committee

2005/05/06 9:05 a.m.

E-mail th

HOUSE OF COMMONS OF CANADA
38th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON JUSTICE, HUMAN RIGHTS,
PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Chair: Paul DeVillers. Lib.

Meeting No. 37

Thursday, May 5, 2005

ORDER OF THE DAY:

Pursuant to the Order of Reference of Tuesday, November 2, 2004, the Committee resumed consideration of Bill C-13, An Act to amend the Criminal Code, the DNA Identification Act and the National Defence Act.

MEMBERS OF THE COMMITTEE PRESENT:

Garry Breitkreuz,
Joe Comartin,
Hon. Roy Cullen,
Hon. Paul DeVillers,
Hon. Paul Harold Macklin,
John Maloney,
Richard Marceau,
Serge Ménard,
Anita Neville,
Vic Toews
and Mark Warawa.

ACTING MEMBERS PRESENT:

Rob Moore for Myron Thompson.

IN ATTENDANCE:

Library of Parliament:

Philip Rosen, Principal;
Robin MacKay, Analyst.

WITNESSES:

Department of Justice:

Michael Zigayer, Senior Counsel, Criminal Law Policy Section;
Stanley Cohen, Senior General Counsel, Human Rights Law
Section.

Department of National Defence:

Dominic McAlea, Deputy Judge Advocate, Military Justice and
Administrative Law;
André Dufour, Director, Legislative and Regulatory Services.

Diane Diotte
Clerk of the Committee

MINUTES OF PROCEEDINGS

Meeting No. 37

Thursday, May 5, 2005

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met at 11:04 a.m. this day, in Room 705 La Promenade Building, the Chair, Paul DeVillers, presiding.

Members of the Committee present: Garry Breitkreuz, Joe Comartin, Hon. Roy Cullen, Hon. Paul DeVillers, Hon. Paul Harold Macklin, John Maloney, Richard Marceau, Serge Ménard, Anita Neville, Vic Toews and Mark Warawa.

Acting Members present: Rob Moore for Myron Thompson.

In attendance: Library of Parliament: Philip Rosen, Principal; Robin MacKay, Analyst.

Witnesses: Department of Justice: Michael Zigayer, Senior Counsel, Criminal Law Policy Section; Stanley Cohen, Senior General Counsel, Human Rights Law Section. *Department of National Defence:* Dominic McAlea, Deputy Judge Advocate, Military Justice and Administrative Law; André Dufour, Director, Legislative and Regulatory Services.

Pursuant to the Order of Reference of Tuesday, November 2, 2004, the Committee resumed consideration of Bill C-13, An Act to amend the Criminal Code, the DNA Identification Act and the National Defence Act.

The Committee commenced its clause-by-clause study of the Bill.

The Chair called Clause 1.

The witnesses answered questions.

On Clause 1,

Richard Marceau moved, — That Bill C-13, in Clause 1, be amended by adding after line 9 on page 2 the following:

“(3.1) Paragraph (a) of the definition “primary designated offence” in section 487.04 of the Act is amended by adding the following after subparagraph (viii):

(viii.1) section 239 (attempt to commit murder),”

After debate, the question was put on the amendment of Richard Marceau and it was agreed to.

Richard Marceau moved, — That Bill C-13, in Clause 1, be amended by adding after line 30 on page 2 the following:

“(5.1) Paragraph (a) of the definition “primary designated offence” in section 487.04 of the Act is amended by adding the following after subparagraph (xx):

- (xxi) section 467.11 (participation in activities of criminal organization),
- (xxii) section 467.12 (commission of offence for criminal organization), and
- (xxiii) section 467.13 (instructing commission of offence for criminal organization),

Debate arose thereon.

After debate, the question was put on the amendment of Richard Marceau and it was agreed to.

Richard Marceau moved, — That Bill C-13, in Clause 1, be amended by adding after line 3 on page 3 the following:

“(6.1) Paragraph (a) of the definition “secondary designated offence” in section 487.04 of the Act is amended by adding the following before subparagraph (vi):

- (i) section 145 (escape and being at large without excuse),
- (ii) section 146 (permitting or assisting escape),
- (iii) section 147 (rescue or permitting escape),
- (iv) section 148 (assisting prisoner of war to escape),”

After debate, the question was put on the amendment of Richard Marceau and it was agreed to, by a show of hands: YEAS: 6; NAYS: 4.

Paul Harold Macklin moved, — That Bill C-13, in Clause 1, be amended by

(a) replacing line 4 on page 3 to line 3 on page 4 with the following:

(7) The definitions “secondary designated offence” and “young person” in section 487.04 of the Act are replaced by the following:

“secondary designated offence” means an offence, other than a primary designated offence, that is

(a) an offence under this Act that is liable to a maximum sentence of five or more years imprisonment and may be prosecuted by indictment, and, for the application of section 487.051 or 487.052, is prosecuted by indictment,

(b) an offence under any of the following provisions of the *Controlled Drugs and Substances Act* that is liable to a maximum sentence of five or more years imprisonment and may be prosecuted by indictment, and, for the application of section 487.051 or 487.052, is prosecuted by indictment:

- (i) section 5 (trafficking in substance and possession for purpose of trafficking),
- (ii) section 6 (importing and exporting), and
- (iii) section 7 (production of substance),

(c) an offence under any of the following provisions of this Act:

- (i) subsection 160(3) (bestiality in the presence of or by child),
- (ii) section 170 (parent or guardian procuring sexual activity),
- (iii) section 173 (indecent acts),
- (iv) section 252 (failure to stop at scene of accident),
- (v) section 264 (criminal harassment),
- (vi) section 264.1 (uttering threats),
- (vii) section 266 (assault),
- (viii) section 270 (assaulting a peace officer),
- (ix) paragraph 348(1)(e) (breaking and entering a place other than a dwelling-house),
- (x) section 349 (being unlawfully in dwelling-house), and
- (xi) section 423 (intimidation),

(d) an offence under any of the following provisions of the *Criminal Code*, as they read from time to time before July 1, 1990:

- (i) section 433 (arson), and
- (ii) section 434 (setting fire to other substance), and

(e) an attempt to commit or, other than for the purposes of subsection 487.05(1), a conspiracy to commit an offence referred to in any of paragraphs (a) to (d);

(b) replacing line 8 on page 4 with the following:

(8) Section 487.04 of the Act is amended

After debate, the question was put on the amendment of Paul Harold Macklin and it was agreed to.

Clause 1, as amended, carried.

Clause 2 carried.

On Clause 3,

The Chair ruled there was a line conflict between two (2) amendments to Clause 3.

Paul Harold Macklin moved, — That Bill C-13, in Clause 3, be amended by

(a) replacing line 36 on page 4 with the following:

3. Subsections 487.051(1) to (3) of the Act are

(b) replacing line 8 on page 5 with the following:

case of a primary designated offence other than a primary designated offence described in paragraph (b), make

(c) replacing line 16 on page 5 with the following:

(b) may, in the case of a primary designated offence in respect of which a verdict of not criminally responsible on account of mental disorder has been rendered or in the case of a secondary design-

(d) replacing lines 22 and 23 on page 5 with the following:

(2) The court is not required to make an order under paragraph (1)(a) if it is satisfied that the person or young person has established that, were the order made, the impact on the person's or young person's privacy and security of the person would be grossly disproportionate to the public interest in the protection of society and the proper administration of justice, to be achieved through the early detection, arrest and conviction of offenders.

By unanimous consent, the amendment was allowed to stand.

Vic Toews moved, — That Bill C-13, in Clause 3, be amended by replacing lines 7 to 21 on page 5 with the following:

“(a) shall, in the case of a primary designated offence, make an order in Form 5.03 authorizing the taking, from that person, for the purpose of forensic DNA analysis, of any number of samples of bodily substances that is reasonably required for that purpose, by means of the investigative procedures described in subsection 487.06(1); or

(b) shall, subject to subsection (2), in the case of a secondary designated offence, make an order in Form 5.04 authorizing the taking of such samples.”

By unanimous consent, the amendment was allowed to stand.

Vic Toews moved, — That Bill C-13, in Clause 3, be amended by adding after line 21 on page 5 the following:

“(1.1) Subsection 487.051(2) of the Act is replaced by the following:

(2) The court is not required to make an order under paragraph (1)(b) if it is satisfied that the person or young person has established that, were the order made, the impact on the person's or young person's privacy and security of the person would be grossly disproportionate to the public interest in the protection of society and the proper administration of justice, to be achieved through the early detection, arrest and conviction of offenders.”

By unanimous consent, the amendment was allowed to stand.

Vic Toews moved, — That Bill C-13, in Clause 3, be amended by replacing lines 24 to 34 on page 5 with the following:

“ (3) The court may make an order in Form”

By unanimous consent, the amendment was allowed to stand.

At 12:30 p.m., the sitting was suspended.

At 12:39, the sitting resumed.

By unanimous consent, Clause 3 was allowed to stand.

Clause 4 carried.

On Clause 5,

Paul Harold Macklin moved, — That Bill C-13, in Clause 5, be amended by replacing lines 23 to 33 on page 7 with the following:

(c) had been convicted of murder;

(d) had been convicted of a sexual offence within the meaning of subsection (3) and, on the date of the application, is serving a sentence of imprisonment of at least two years for that offence; or

(e) had been convicted of manslaughter and, on the date of the application, is serving a sentence of imprisonment of at least two years for that offence.

After debate, the question was put on the amendment of Paul Harold Macklin and it was agreed to.

Clause 5, as amended, carried.

On Clause 6,

Paul Harold Macklin moved, — That Bill C-13, in Clause 6, be amended by replacing lines 8 to 15 on page 8 with the following:

487.056 (1) Samples of bodily substances shall be taken from a person, even if an appeal is taken,

(a) on the day when a court makes an order under subsection 487.051(1) or 487.052(1);

(b) if the court is of the opinion that it is not possible for samples to be taken then, at a place, day and time set out in an order made under subsection 487.051(4) or 487.052(3); or

(c) if the person whose presence is required by an order described in paragraph (b) fails to appear, when the person is arrested pursuant to a warrant issued under section 487.0561, or as soon as possible afterwards.

After debate, the question was put on the amendment of Paul Harold Macklin and it was agreed to.

Clause 6, as amended, carried.

Clauses 7 to 11 inclusive carried severally.

By unanimous consent, Clause 12 was allowed to stand.

Clauses 13 to 15 inclusive carried severally.

On Clause 16,

Paul Harold Macklin moved, — That Bill C-13, in Clause 16, be amended by replacing line 5 on page 21 with the following:

offence and enter the resulting DNA profile in the convicted offenders index.

After debate, the question was put on the amendment of Paul Harold Macklin and it was agreed to.

Clause 16, as amended, carried.

On Clause 17,

Paul Harold Macklin moved, — That Bill C-13, in Clause 17, be amended by

(a) replacing lines 10 to 23 on page 22 with the following:

17. (1) Subsection 6(1) of the Act is replaced by the following:

6. (1) The Commissioner shall compare any DNA profile that is entered in the convicted offenders index or the crime scene index with those DNA profiles that are already contained in the data bank and may then, for the purpose of the investigation of a designated offence, communicate the following information to any Canadian law enforcement agency or laboratory that the Commissioner considers appropriate:

(a) if the DNA profile is not already contained in the data bank, the fact that it is not;

(b) if the DNA profile is already contained in the data bank, any information contained in the data bank in relation to that DNA profile;

(c) if the DNA profile is, in the opinion of the Commissioner, similar to one that is already contained in the data bank, the similar DNA profile; and

(d) if a DNA profile that is communicated under paragraph (c) cannot be excluded as a possible match on further analysis, any information contained in the data bank in relation to that DNA profile.

(2) Subsection 6(3) of the Act is replaced by the following:

(3) On receipt of a DNA profile from the government of a foreign state, an international organization established by the governments of states or an institution of any such government or international organization, the Commissioner may compare the DNA profile with those in the DNA data bank to determine whether it is already contained in the data bank and may then communicate to that

government, international organization or institution

(a) whether the DNA profile is already contained in the data bank; and

(b) any information, other than the DNA profile itself, that is contained in the data bank in relation to that DNA profile.

(3) Subsections 6(6) and (7) of the Act are replaced

(b) adding after line 28 on page 22 the following:

(6.1) Information that is communicated under subsection (1) may be communicated subsequently to a person to whom the communication is necessary for the purpose of the investigation or prosecution of a designated offence.

(7) Subject to this section, no person shall communicate any information that is contained in the DNA data bank or allow the information to be communicated.

After debate, the question was put on the amendment of Paul Harold Macklin and it was agreed to.

Paul Harold Macklin moved, — That Bill C-13 be amended by adding after line 28 on page 22 the following:

17.1 Section 8 of the Act is replaced by the following:

8. No person to whom information is communicated under subsection 6(1) or (6.1) or who has access to information under paragraph 7(a) or (b) shall use that information other than for the purposes referred to in that subsection or paragraph.

After debate, the question was put on the amendment of Paul Harold Macklin and it was agreed to.

Clause 17, as amended, carried.

Clauses 18 to 22 inclusive carried severally.

On Clause 23,

Paul Harold Macklin moved, — That Bill C-13, in Clause 23, be amended by

(a) replacing line 8 on page 25 with the following:

23. (1) The definition “primary designated

(b) adding after line 23 on page 25 the following:

(2) Paragraph (a) of the definition “secondary designated offence” in section 196.11 of the Act is replaced by the following:

(a) a secondary designated offence within the meaning of paragraphs (a) to (d) of the definition “secondary designated offence” in section 487.04 of the *Criminal Code* that is punishable under

section 130;

After debate, the question was put on the amendment of Paul Harold Macklin and it was agreed to.

Clause 23, as amended, carried.

By unanimous consent, Clause 24 was allowed to stand.

Clause 25 carried.

On Clause 26,

Paul Harold Macklin moved, — That Bill C-13, in Clause 26, be amended by replacing line 37 on page 27 to line 3 on page 28 with the following:

196.17 (1) Samples of bodily substances shall be taken, even if an appeal is taken,

(a) on the day when a court martial makes an order under subsection 196.14(1) or 196.15(1),

(b) if the court martial is of the opinion that it is not possible for samples to be taken then, at a place, day and time set out in an order made under subsection 196.14(4) or 196.15(3), or

(c) if the person whose presence is required by an order described in paragraph (b) fails to appear, when the person is arrested pursuant to a warrant issued under subsection 196.17(3), or as soon as possible afterwards.

After debate, the question was put on the amendment of Paul Harold Macklin and it was agreed to.

Clause 26, as amended, carried.

Clauses 27 to 30 inclusive carried severally.

On Clause 30.1,

Paul Harold Macklin moved, — That Bill C-13 be amended by adding after line 16 on page 30 the following:

COORDINATING AMENDMENT

30.1 If Bill C-2, introduced in the 1st session of the 38th Parliament and entitled *An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act* (the “other Act”), receives royal assent, then, on the later of the coming into force of section 1 of the other Act and section 12 of this Act, the last paragraph of Form 5.031 in Part XXVIII of the *Criminal Code* is replaced by the following:

Subsection 127(1) of the *Criminal Code* states as follows:

127. (1) Every one who, without lawful excuse, disobeys a lawful order made by a court of justice or by a person or body of persons authorized by any Act to make or give the order, other than an order for the payment of money, is, unless a punishment or other mode of proceeding is expressly provided by

law, guilty of

(a) an indictable offence and liable to imprisonment for a term not exceeding two years; or

(b) an offence punishable on summary conviction.

After debate, the question was put on the amendment of Paul Harold Macklin and it was agreed to.

Clause 30.1, as amended, carried.

It was agreed, — That the Committee resume the clause-by-clause study of Bill C-13 on Tuesday, May 10, 2005 at 11:00 a.m.

At 12:55 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte
Clerk of the Committee

2005/05/09 2:58 p.m.

E-mail th

HOUSE OF COMMONS OF CANADA
38th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON JUSTICE, HUMAN RIGHTS,
PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Chair: Paul DeVillers. Lib.

Meeting No. 38

Tuesday, May 10, 2005

ORDER OF THE DAY:

Pursuant to the Order of Reference of Tuesday, November 2, 2004, the Committee resumed consideration of Bill C-13, An Act to amend the Criminal Code, the DNA Identification Act and the National Defence Act.

The Committee proceeded to the consideration of matters related to Committee business.

MEMBERS OF THE COMMITTEE PRESENT:

Garry Breitkreuz,
Joe Comartin,
Hon. Roy Cullen,
Hon. Paul DeVillers,
Hon. Paul Harold Macklin,
John Maloney,
Richard Marceau,
Serge Ménard,
Anita Neville,
Myron Thompson,
Vic Toews
and Mark Warawa.

IN ATTENDANCE:

Library of Parliament:

Philip Rosen, Principal;
Robin MacKay, Analyst.

House of Commons:

Susan Baldwin, Legislative Clerk.

WITNESSES:

Department of Justice:

Michael Zigayer, Senior Counsel, Criminal Law Policy Section;
Stanley Cohen, Senior General Counsel, Human Rights Law
Section.

Department of National Defence:

Dominic McAlea, Deputy Judge Advocate, Military Justice and
Administrative Law;
André Dufour, Director, Legislative and Regulatory Services.

Diane Diotte
Clerk of the Committee

MINUTES OF PROCEEDINGS

Meeting No. 38

Tuesday, May 10, 2005

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met at 9:09 a.m. this day, in Room 371 West Block, the Chair, Paul DeVillers, presiding.

Members of the Committee present: Garry Breitkreuz, Joe Comartin, Hon. Roy Cullen, Hon. Paul DeVillers, Hon. Paul Harold Macklin, John Maloney, Richard Marceau, Serge Ménard, Anita Neville, Myron Thompson, Vic Toews and Mark Warawa.

In attendance: Library of Parliament: Philip Rosen, Principal; Robin MacKay, Analyst. *House of Commons:* Susan Baldwin, Legislative Clerk.

Witnesses: Department of Justice: Michael Zigayer, Senior Counsel, Criminal Law Policy Section; Stanley Cohen, Senior General Counsel, Human Rights Law Section. *Department of National Defence:* Dominic McAlea, Deputy Judge Advocate, Military Justice and Administrative Law; André Dufour, Director, Legislative and Regulatory Services.

Pursuant to the Order of Reference of Tuesday, November 2, 2004, the Committee resumed consideration of Bill C-13, An Act to amend the Criminal Code, the DNA Identification Act and the National Defence Act.

At 9:10 a.m., the sitting was suspended.

At 9:25 a.m., the sitting resumed.

The witnesses answered questions.

The Committee resumed its clause-by-clause study of the Bill.

By unanimous consent, Clause 1 previously carried was reconsidered.

By unanimous consent, the Committee reconsidered the amendment of Richard Marceau previously adopted which read as follows: That Bill C-13, in Clause 1, be amended by adding after line 9 on page 2 the following:

“(3.1) Paragraph (a) of the definition “primary designated offence” in section 487.04 of the Act is amended by adding the following after subparagraph (viii):

(viii.1) section 239 (attempt to commit murder),”

After debate, by unanimous consent, the amendment was withdrawn.

On Clause 1,

Paul Harold Macklin moved, — That Bill C-13, in Clause 1, be amended by

(a) replacing lines 4 to 8 on page 2 with the following:

(v.2) subsection 212(4) (offence — pros-

(b) replacing lines 10 to 30 on page 2 with the following:

(4) Subparagraphs (a)(vii) to (xx) of the definition “primary designated offence” in section 487.04 of the Act are replaced by the following:

(vii) section 271 (sexual assault),

(viii) section 279.1 (hostage taking),

(ix) paragraph 348(1)(d) (breaking and entering a dwelling-house),

(x) section 423.1 (intimidation of a justice system participant or journalist),

(xi) section 431 (attack on premises, residence or transport of internationally protected person),

(xii) section 431.1 (attack on premises, accommodation or transport of United Nations or associated personnel), and

(xiii) subsection 431.2(2) (explosive or other lethal device),

(5) The definition “primary designated offence” in section 487.04 of the Act is amended by adding the following after paragraph (a):

(a.1) an offence under any of the following provisions, namely,

(i) subsection 212(2.1) (aggravated offence in relation to living on the avails of prostitution of a person under the age of eighteen years),

(ii) section 235 (murder)

(iii) section 236 (manslaughter),

(iv) section 239 (attempt to commit murder),

(v) section 244 (causing bodily harm with intent — firearm),

(vi) section 244.1 (causing bodily harm with intent — air gun or pistol),

(vii) paragraph 245(a) (administering noxious thing with intent to endanger life or cause bodily harm),

(viii) section 246 (overcoming resistance to commission of offence),

(ix) section 267 (assault with a weapon or causing bodily harm),

(x) section 268 (aggravated assault),

- (xi) section 269 (unlawfully causing bodily harm),
- (xii) section 272 (sexual assault with a weapon, threats to a third party or causing bodily harm),
- (xiii) section 273 (aggravated sexual assault),
- (xiv) section 279 (kidnapping),
- (xv) section 344 (robbery), and
- (xvi) section 346 (extortion),

After debate, the question was put on the amendment of Paul Harold Macklin and it was agreed to.

Clause 1, as amended, carried.

The Committee reverted to Clause 3 previously stood.

By unanimous consent, the Committee reverted to the consideration of the amendment of Vic Toews previously stood which read as follows: That Bill C-13, in Clause 3, be amended by replacing lines 7 to 21 on page 5 with the following:

“(a) shall, in the case of a primary designated offence, make an order in Form 5.03 authorizing the taking, from that person, for the purpose of forensic DNA analysis, of any number of samples of bodily substances that is reasonably required for that purpose, by means of the investigative procedures described in subsection 487.06(1); or

(b) shall, subject to subsection (2), in the case of a secondary designated offence, make an order in Form 5.04 authorizing the taking of such samples.”

After debate, by unanimous consent, the amendment was withdrawn.

By unanimous consent, the Committee reverted to the consideration of the amendment of Vic Toews previously stood which read as follows: That Bill C-13, in Clause 3, be amended by adding after line 21 on page 5 the following:

“(1.1) Subsection 487.051(2) of the Act is replaced by the following:

(2) The court is not required to make an order under paragraph (1)(b) if it is satisfied that the person or young person has established that, were the order made, the impact on the person's or young person's privacy and security of the person would be grossly disproportionate to the public interest in the protection of society and the proper administration of justice, to be achieved through the early detection, arrest and conviction of offenders.”

After debate, by unanimous consent, the amendment was withdrawn.

By unanimous consent, the Committee reverted to the consideration of the amendment of Vic Toews previously stood which read as follows: That Bill C-13, in Clause 3, be amended by replacing lines 24 to 34 on page 5 with the following:

“(3) The court may make an order in Form”

After debate, by unanimous consent, the amendment was withdrawn.

By unanimous consent, the Committee reverted to the consideration of the amendment of Paul Harold Macklin previously stood which read as follows: That Bill C-13, in Clause 3, be amended by

(a) replacing line 36 on page 4 with the following:

3. Subsections 487.051(1) to (3) of the Act are

(b) replacing line 8 on page 5 with the following:

case of a primary designated offence other than a primary designated offence described in paragraph (b), make

(c) replacing line 16 on page 5 with the following:

(b) may, in the case of a primary designated offence in respect of which a verdict of not criminally responsible on account of mental disorder has been rendered or in the case of a secondary design-

(d) replacing lines 22 and 23 on page 5 with the following:

(2) The court is not required to make an order under paragraph (1)(a) if it is satisfied that the person or young person has established that, were the order made, the impact on the person's or young person's privacy and security of the person would be grossly disproportionate to the public interest in the protection of society and the proper administration of justice, to be achieved through the early detection, arrest and conviction of offenders.

After debate, by unanimous consent, the amendment was withdrawn.

On Clause 3,

Paul Harold Macklin moved, — That Bill C-13, in Clause 3, be amended by

(a) replacing line 36 on page 4 with the following:

3. Subsections 487.051(1) to (3) of the Act are

(b) replacing line 8 on page 5 with the following:

case of a primary designated offence other than one described in paragraph (b), make

(c) replacing line 16 on page 5 with the following:

(b) may, in the case of a primary designated offence in respect of which a verdict of not criminally responsible on account of mental disorder has been rendered or in the case of a secondary design-

(d) replacing lines 22 and 23 on page 5 with the following:

(2) The court is not required to make an order under paragraph (1)(a) in the case of an offence referred to in paragraph (a) or any of paragraphs (b) to (d) of the definition “primary designated offence” in section 487.04 if it is satisfied that the person or young person has established that, were the order made, the impact on the person's or young person's privacy and security of the person would be grossly disproportionate to the public interest in the protection of society and the proper administration of justice, to be achieved through the early detection, arrest and conviction of offenders.

After debate, the question was put on the amendment of Paul Harold Macklin and it was agreed to.

Clause 3, as amended, carried.

By unanimous consent, the Committee reverted to Clause 12 previously stood.

On Clause 12,

Paul Harold Macklin moved, — That Bill C-13, in Clause 12, be amended by

(a) replacing lines 36 and 37 on page 11 with the following:

(*offence*), an

(b) replacing line 22 on page 13 to line 3 on page 14 with the following:

Whereas (*name of offender*), in this order called the “offender”, has

(a) been found not criminally responsible on account of mental disorder for an offence that is a primary designated offence within the meaning of section 487.04 of the *Criminal Code*, or

(b) been convicted, discharged under section 730 of the *Criminal Code* or, in the case of a young person, found guilty under the *Young Offenders Act*, chapter Y-1 of the Revised Statutes of Canada, 1985, or the *Youth Criminal Justice Act*, of (*offence*), or found not criminally responsible on account of mental disorder for that offence, an offence that is

(i) a secondary designated offence within the meaning of section 487.04 of the *Criminal Code*, or

(ii) a designated offence within the meaning of section 487.04 of the *Criminal Code* committed before June 30, 2000;

After debate, the question was put on the amendment of Paul Harold Macklin and it was agreed to.

Paul Harold Macklin moved, — That Bill C-13, in Clause 12, be amended by

(a) replacing lines 4 to 6 on page 13 with the following:

You are warned that failure to appear in accordance with this order may result in a warrant being issued for your arrest under subsection 487.0561(1) of the *Criminal Code*. You are also warned that failure to appear, without lawful excuse, is an offence under subsection 127(1) of that Act.

(b) adding after line 13 on page 13 the following:

Subsection 127(1) of the *Criminal Code* states as follows:

127. (1) Every one who, without lawful excuse, disobeys a lawful order made by a court of justice or by a person or body of persons authorized by any Act to make or give the order, other than an order for the payment of money, is, unless a punishment or other mode of proceeding is expressly provided by law, guilty of an indictable offence and liable to imprisonment for a term not exceeding two years.

After debate, the question was put on the amendment of Paul Harold Macklin and it was agreed to.

Clause 12, as amended, carried.

By unanimous consent, Clause 23 previously carried was reconsidered.

By unanimous consent, the Committee reconsidered the amendment of Paul Harold Macklin previously adopted which read as follows: That Bill C-13, in Clause 23, be amended by

(a) replacing line 8 on page 25 with the following:

23. (1) The definition "primary designated

(b) adding after line 23 on page 25 the following:

(2) Paragraph (a) of the definition "secondary designated offence" in section 196.11 of the Act is replaced by the following:

(a) a secondary designated offence within the meaning of paragraphs (a) to (d) of the definition "secondary designated offence" in section 487.04 of the *Criminal Code* that is punishable under section 130;

After debate, by unanimous consent, the amendment was withdrawn.

Paul Harold Macklin moved, — That Bill C-13, in Clause 23, be amended by replacing lines 8 to 23 on page 25 with the following:

23. (1) The definition "primary designated offence" in section 196.11 of the *National Defence Act* is replaced by the following:

"primary designated offence"

means

(a) an offence within the meaning of paragraph (a) or any of paragraphs (b) to (c.1) of the definition "primary designated offence" in section 487.04 of the *Criminal Code* that is punishable under section 130;

(a.1) an offence within the meaning of paragraph (a.1) of the definition "primary designated offence" in section 487.04 of the *Criminal Code* that is punishable under section 130; and

(b) an attempt to commit or, other than for the purpose of subsection 196.12(1), a conspiracy to commit an offence within the meaning of any of paragraphs (a) to (c) of the definition "primary designated

offence” in section 487.04 of the *Criminal Code* that is punishable under section 130.

(2) Paragraph (a) of the definition “secondary designated offence” in section 196.11 of the Act is replaced by the following:

(a) an offence within the meaning of any of paragraphs (a) to (d) of the definition “secondary designated offence” in section 487.04 of the *Criminal Code* that is punishable under section 130;

After debate, the question was put on the amendment of Paul Harold Macklin and it was agreed to.

Clause 23, as amended, carried.

By unanimous consent, the Committee reverted to Clause 24 previously stood.

On Clause 24,

Paul Harold Macklin moved, — That Bill C-13, in Clause 24, be amended by replacing lines 24 to 40 on page 25 with the following:

24. Subsections 196.14(1) to (3) of the Act are replaced by the following:

196.14 (1) If a person is found guilty of, or not responsible on account of mental disorder for, a designated offence, the court martial

(a) shall, subject to subsection (2), in the case of a primary designated offence other than one described in paragraph (b), make an order in the prescribed form authorizing the taking, from that person, for the purpose of forensic DNA analysis, of any number of samples of bodily substances that is reasonably required for that purpose; or

(b) may, in the case of a primary designated offence in respect of which a finding of not responsible on account of mental disorder has been rendered or in the case of a secondary designated offence, on application by the prosecutor, make an order in the prescribed form authorizing the taking of such samples if the court martial is satisfied that it is in the best interests of the administration of justice to do so.

(2) The court martial is not required to make an order under paragraph (1)(a) in the case of an offence referred to in paragraph (a) or (b) of the definition “primary designated offence” in section 196.11 if it is satisfied that the person has established that, were the order made, the impact on the privacy and security of the person would be grossly disproportionate to the public interest in the protection of society and the proper administration of justice, to be achieved through the early detection, arrest and conviction of offenders.

After debate, the question was put on the amendment of Paul Harold Macklin and it was agreed to.

Clause 24, as amended, carried.

By unanimous consent, the Committee reverted to Clause 31 previously stood.

On Clause 31,

Paul Harold Macklin moved, — That Bill C-13, in Clause 31, be amended by replacing line 17 on page 30 with the following:

31. The provisions of this Act, other than sections 5, 16, 17 and 30.1, come into

After debate, the question was put on the amendment of Paul Harold Macklin and it was agreed to.

Clause 31, as amended, carried.

The Title carried.

The Bill, as amended, carried.

ORDERED, — That the Chair report the Bill, as amended, to the House.

ORDERED, — That Bill C-13, as amended, be reprinted for the use of the House at report stage.

At 9:58 a.m., the sitting was suspended.

At 9:59 a.m., the sitting resumed.

The Committee proceeded to the consideration of matters related to Committee business.

Garry Breitkreuz moved, — That the committee write to the Auditor General of Canada asking her office to investigate the conflicting testimony and evidence presented to the committee on the effectiveness and efficiency of the RCMP Forensic Laboratory Services and on the status of DNA cases and service requests.

After debate, the question was put on the motion and it was agreed to, by a show of hands: YEAS: 7; NAYS: 4.

At 10:12 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte
Clerk of the Committee

2005/05/13 10:00 a.m.

E-mail th

HOUSE OF COMMONS OF CANADA
38th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON JUSTICE, HUMAN RIGHTS,
PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Chair: John Maloney, Lib.

Meeting No. 39

Thursday, May 12, 2005

ORDER OF THE DAY:

Pursuant to the Order of Reference of Monday, November 15, 2004, the Committee resumed consideration of Bill C-16, An Act to amend the Criminal Code (impaired driving) and to make consequential amendments to other Acts.

MEMBERS OF THE COMMITTEE PRESENT:

Joe Comartin,
Hon. Paul DeVillers,
Hon. Paul Harold Macklin,
John Maloney
and Anita Neville.

ACTING MEMBERS PRESENT:

Ruby Dhalla for Hon. Roy Cullen,
and David Smith for Hon. Roy Cullen.

ASSOCIATE MEMBER PRESENT:

Libby Davies.

IN ATTENDANCE:

Library of Parliament:

Philip Rosen, Principal;

Laura Barnett, Analyst.

House of Commons:

Susan Baldwin, Legislative Clerk;

APPEARING:

Hon. Irwin Cotler, Minister of Justice.

WITNESSES:

Royal Canadian Mounted Police:

Evan Graham, National Coordinator, Drug Evaluation and
Classification Program.

Department of Justice:

Hal Pruden, Counsel, Criminal Law Policy Section.

Diane Diotte
Clerk of the Committee

MINUTES OF PROCEEDINGS

Meeting No. 39

Thursday, May 12, 2005

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met at 9:11 a.m. this day, in Room 371 West Block, the Chair, Paul DeVillers, presiding.

Members of the Committee present: Joe Comartin, Hon. Paul DeVillers, Hon. Paul Harold Macklin, John Maloney and Anita Neville.

Acting Members present: Ruby Dhalla for Hon. Roy Cullen and David Smith for Hon. Roy Cullen.

Associate Members present: Libby Davies.

In attendance: Library of Parliament: Philip Rosen, Principal; Laura Barnett, Analyst. *House of Commons:* Susan Baldwin, Legislative Clerk.

Appearing: Hon. Irwin Cotler, Minister of Justice.

Witnesses: Royal Canadian Mounted Police: Evan Graham, National Coordinator, Drug Evaluation and Classification Program. *Department of Justice:* Hal Pruden, Counsel, Criminal Law Policy Section.

Pursuant to the Order of Reference of Monday, November 15, 2004, the Committee commenced consideration of Bill C-16, An Act to amend the Criminal Code (impaired driving) and to make consequential amendments to other Acts.

The Minister made a statement and, with the other witnesses, answered questions.

At 10:02 a.m. John Maloney took the Chair.

At 10:09 a.m., the Committee adjourned to the call of the Chair.

Diane Diotte
 Clerk of the Committee

2005/05/12 1:53 p.m.

[E-mail this page](#)

HOUSE OF COMMONS OF CANADA
38th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON JUSTICE, HUMAN RIGHTS,
PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Chair: John Maloney, Lib.

Meeting No. 40

Tuesday, May 17, 2005

ORDER OF THE DAY:

Pursuant to Standing Order 81(4), the Committee commenced consideration of the Main Estimates 2005-2006: Votes 1, 5, 10, 15, 20, 25, 30, 35, 40, 45, 50, 60, 65, 70, 75, 80 and 85 under SOLICITOR GENERAL (Public Safety and Emergency Preparedness) and Vote 30 under PRIVY COUNCIL, referred to the Committee on Friday, February 25, 2005.

MEMBERS OF THE COMMITTEE PRESENT:

Garry Breitkreuz,
Joe Comartin,
Hon. Roy Cullen,
Hon. Paul DeVillers,
Hon. Paul Harold Macklin,
John Maloney,
Serge Ménard,
Anita Neville,
Myron Thompson
and Mark Warawa.

ACTING MEMBERS PRESENT:

Rob Moore for Vic Toews,
and Robert Vincent for Richard Marceau.

IN ATTENDANCE:

Library of Parliament:

Philip Rosen, Principal;
Robin MacKay, Analyst.

APPEARING:

Hon. Anne McLellan, Minister of Public Safety and Emergency
Preparedness.

WITNESSES:

Department of Public Safety and Emergency Preparedness:

Margaret Bloodworth, Deputy Minister.

National Parole Board:

Ian Glen, Chairperson.

Canada Firearms Centre:

William Baker, Commissioner.

Correctional Service Canada:

Lucie McClung, Commissioner.

Royal Canadian Mounted Police:

Giuliano Zaccardelli, Commissioner.

Canadian Security Intelligence Service:

Jim Judd, Director.

Canada Border Services Agency:

Alain Jolicoeur, President.

Diane Diotte
Clerk of the Committee

MINUTES OF PROCEEDINGS

Meeting No. 40

Tuesday, May 17, 2005

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met in a televised session at 9:01 a.m. this day, in Room 253-D Centre Block, the Chair, Paul DeVillers, presiding.

Members of the Committee present: Garry Breitkreuz, Joe Comartin, Hon. Roy Cullen, Hon. Paul DeVillers, Hon. Paul Harold Macklin, John Maloney, Serge Ménard, Anita Neville, Myron Thompson and Mark Warawa.

Acting Members present: Rob Moore for Vic Toews and Robert Vincent for Richard Marceau.

In attendance: Library of Parliament: Philip Rosen, Principal; Robin MacKay, Analyst.

Appearing: Hon. Anne McLellan, Minister of Public Safety and Emergency Preparedness.

Witnesses: Department of Public Safety and Emergency Preparedness: Margaret Bloodworth, Deputy Minister. *National Parole Board:* Ian Glen, Chairperson. *Canada Firearms Centre:* William Baker, Commissioner. *Correctional Service Canada:* Lucie McClung, Commissioner. *Royal Canadian Mounted Police:* Giuliano Zaccardelli, Commissioner. *Canadian Security Intelligence Service:* Jim Judd, Director. *Canada Border Services Agency:* Alain Jolicoeur, President.

Pursuant to Standing Order 81(4), the Committee commenced consideration of the Main Estimates 2005-2006: Votes 1, 5, 10, 15, 20, 25, 30, 35, 40, 45, 50, 60, 65, 70, 75, 80 and 85 under SOLICITOR GENERAL (Public Safety and Emergency Preparedness) and Vote 30 under PRIVY COUNCIL, referred to the Committee on Friday, February 25, 2005.

The Minister made a statement and, with the other witnesses, answered questions.

At 11:04 a.m., the Committee adjourned to the call of the Chair.

Diane Diotte
Clerk of the Committee

2005/05/18 10:02 a.m.

[E-mail this page](#)

HOUSE OF COMMONS OF CANADA
38th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON JUSTICE, HUMAN RIGHTS,
PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Chair: John Maloney, Lib.

Meeting No. 41

Thursday, May 19, 2005

ORDER OF THE DAY:

The Clerk of the Committee presided over the election of a Chair.

Pursuant to Standing Order 81(4), the Committee commenced consideration of the Main Estimates 2005-2006: Votes 1, 5, 10, 15, 20, 25, 30, 35 and 50 under JUSTICE, referred to the Committee on Friday, February 25, 2005.

The Committee proceeded to the consideration of matters related to Committee business.

MEMBERS OF THE COMMITTEE PRESENT:

Garry Breitkreuz,
Joe Comartin,
Hon. Roy Cullen,
Hon. Paul Harold Macklin,
John Maloney,
Richard Marceau,
Serge Ménard,
Anita Neville,
Hon. Judy Sgro,
Myron Thompson,
Vic Toews
and Mark Warawa.

IN ATTENDANCE:

Library of Parliament:

Philip Rosen, Principal;
Robin MacKay, Analyst.

APPEARING:

Hon. Irwin Cotler, Minister of Justice.

WITNESSES:

Department of Justice:

John Sims, Deputy Minister and Deputy Attorney General;
Bill Pentney, Senior Assistant Deputy Minister, Policy Sector.

Diane Diotte
Clerk of the Committee

MINUTES OF PROCEEDINGS

Meeting No. 41

Thursday, May 19, 2005

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met at 9:04 a.m. this day, in Room 237-C Centre Block, for the purpose of electing a Chair, pursuant to Standing Order 106 (2).

Members of the Committee present: Garry Breitkreuz, Joe Comartin, Hon. Roy Cullen, Hon. Paul Harold Macklin, John Maloney, Richard Marceau, Serge Ménard, Anita Neville, Hon. Judy Sgro, Myron Thompson, Vic Toews and Mark Warawa.

In attendance: Library of Parliament: Philip Rosen, Principal; Robin MacKay, Analyst.

Appearing: Hon. Irwin Cotler, Minister of Justice.

Witnesses: Department of Justice: John Sims, Deputy Minister and Deputy Attorney General; Bill Pentney, Senior Assistant Deputy Minister, Policy Sector.

The Clerk of the Committee presided over the election of a Chair.

On motion of Anita Neville, it was agreed, — That John Maloney be elected Chair of the Committee.

At 9:07 a.m., the Committee continued sitting *televised*.

Pursuant to Standing Order 81(4), the Committee commenced consideration of the Main Estimates 2005-2006: Votes 1, 5, 10, 15, 20, 25, 30, 35 and 50 under JUSTICE, referred to the Committee on Friday, February 25, 2005.

Minister Cotler made a statement and, with the other witnesses, answered questions.

At 11:05 a.m., the sitting was suspended.

At 11:11 a.m., the sitting resumed.

The Committee proceeded to the consideration of matters related to Committee business.

Richard Marceau moved, — That the Justice Committee, in response to the recent remarks by the Chief Justice of the Appeal Court of Québec, Michel Robert, that it is acceptable to discriminate on the basis of political opinion when appointing candidates to the federal judiciary;

— strongly condemns Michel Robert's remarks who has failed to abide by the principle of judicial restraint and has threatened the principle of judicial independence and;

— undertakes, pursuant to the study of the process for appointments to the Supreme Court already carried out, a study of the process for all appointing judges within the federal judgeship nomination in order to propose a more transparent process in which there is no form of discrimination – including for reasons of political orientation.

After debate, the question was put on the motion and it was agreed to, by a show of hands: YEAS: 7; NAYS: 4.

Serge Ménard moved, — That the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness recommend;

— That the RCMP, together with the agencies responsible for enforcing the Acts concerned, initiate a campaign to ensure the compliance of the Tobacco Act and the Excise Act, 2001. The campaign must be carried out in Montreal, Toronto, Vancouver, Halifax, Akwesasne and Kanesatake from May to September 2005.

— That the RCMP report back to the Minister of Public Safety and Emergency Preparedness by September 30, 2005.

— That the Minister table a progress report to the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness by October 30, 2005.

— That the Minister of Public Safety and Emergency Preparedness report to the House annually, according to the terms established by the House of Commons Standing Committee on Procedure and House Affairs, on the status of cigarette smuggling in Canada.

— And that the Committee on Justice, Human Rights, Public Safety and Emergency Preparedness report and make recommendations to the House of Commons.

Debate arose thereon.

By unanimous consent, it was agreed, — That consideration of Serge Ménard's motion be postponed until a later date.

At 11:38 a.m., the Committee adjourned to the call of the Chair.

Diane Diotte
Clerk of the Committee

2005/05/30 10:42 a.m.

[E-mail this page](#)

HOUSE OF COMMONS OF CANADA
38th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON JUSTICE, HUMAN RIGHTS,
PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Chair: John Maloney, Lib.

Meeting No. 42

Thursday, June 2, 2005

ORDER OF THE DAY:

Pursuant to the Order of Reference of Monday, October 18, 2004, the Committee resumed consideration of Bill C-2, An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act.

MEMBERS OF THE COMMITTEE PRESENT:

Garry Breitkreuz,
Joe Comartin,
Hon. Roy Cullen,
Hon. Paul Harold Macklin,
John Maloney,
Richard Marceau,
Anita Neville,
Hon. Judy Sgro,
Myron Thompson,
Vic Toews
and Mark Warawa.

ACTING MEMBER PRESENT:

Benoît Sauvageau for Serge Ménard.

IN ATTENDANCE:

Library of Parliament:

Robin MacKay, Analyst;
Philip Rosen, Principal.

House of Commons:

Susan Baldwin, Legislative Clerk.

WITNESSES:

Department of Justice:

Carole Morency, Senior Counsel, Criminal Law Policy Section;
Lisette Lafontaine, Senior Counsel, Criminal Law Policy Section;
Catherine Kane, Senior Counsel, Director, Policy Centre for
Victim Issues.

Diane Diotte
Clerk of the Committee

MINUTES OF PROCEEDINGS

Meeting No. 42

Thursday, June 2, 2005

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met at 9:24 a.m. this day, in Room 371 West Block, the Chair, John Maloney, presiding.

Members of the Committee present: Garry Breitkreuz, Joe Comartin, Hon. Roy Cullen, Hon. Paul Harold Macklin, John Maloney, Richard Marceau, Anita Neville, Hon. Judy Sgro, Myron Thompson, Vic Toews and Mark Warawa.

Acting Members present: Benoît Sauvageau for Serge Ménard.

Attendance: *Library of Parliament:* Robin MacKay, Analyst; Philip Rosen, Principal. *House of Commons:* Susan Aldwin, Legislative Clerk.

Witnesses: *Department of Justice:* Carole Morency, Senior Counsel, Criminal Law Policy Section; Lisette Lafontaine, Senior Counsel, Criminal Law Policy Section; Catherine Kane, Senior Counsel, Director, Policy Centre for Victim Issues.

Pursuant to the Order of Reference of Monday, October 18, 2004, the Committee resumed consideration of Bill C-2, An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act.

The Committee commenced its clause-by-clause study of the Bill.

The Chair called Clause 1.

The witnesses answered questions.

Clause 1 carried.

On Clause 2,

Vic Toews moved, — That Bill C-2, in Clause 2, be amended by replacing line 16 on page 2 with the following:

“2. (1) Subsection 150.1(1) of the Act is replaced by the following:

150.1 (1) Where an accused is charged with an offence under section 151 or 152 or subsection 153(1), 160(3) or 173(2) or is charged with an offence under section 271, 272 or 273 in respect of a complainant under the age of sixteen years, it is not a defence that the complainant consented to the activity that forms the subject-matter of the charge.

1.1) Paragraph 150.1(2)(c) of the Act is”

After debate, the question was put on the amendment of Vic Toews and it was negatived, by a show of hands: YEAS: 5; NAYS: 6.

By unanimous consent, it was agreed, — That the result of the vote on the previous amendment be applied to the following three (3) amendments which are therefore also negatived:

That Bill C-2, in Clause 2, be amended by adding after line 23 on page 2 the following:

“(1.1) Section 150.1 of the Act is amended by adding the following after subsection (2):

(2.1) Notwithstanding subsection (1), where an accused is charged with an offence under section 151 or 152, subsection 173(2) or section 271 in respect of a complainant who is fourteen years of age or more but under the age of sixteen years, it is not a defence that the complainant consented to the activity that forms the subject-matter of the charge unless the accused

(a) is less than five years older than the complainant; and

(b) is neither in a position of trust or authority towards the complainant nor is a person with whom the complainant is in a relationship of dependency.”

That Bill C-2, in Clause 2, be amended

(a) by replacing line 24 on page 2 with the following:

“(2) Subsections 150.1(3) and (4) of the Act are”

(b) by adding after line 33 on page 2 the following:

“(4) It is not a defence to a charge under section 151 or 152, subsection 160(3) or 173(2), or section 271, 272 or 273 that the accused believed that the complainant was sixteen years of age or more at the time the offence is alleged to have been committed unless the accused took all reasonable steps to ascertain the age of the complainant.”

That Bill C-2, in Clause 2, be amended by replacing line 26 on page 2 with the following:

“(3) No person aged twelve to fifteen years”

Clause 2 carried on division.

On Clause 3,

By unanimous consent, it was agreed, — That the result of the vote on a previous amendment be applied to the following amendment which is therefore also negatived:

That Bill C-2, in Clause 3, be amended by replacing line 39 on page 2 with the following:

“person under the age of sixteen years”

Richard Marceau moved, — That Bill C-2, in Clause 3, be amended by

(a) replacing line 42 on page 2 to line 4 on page 3 with the following:

exceeding ten years and to a minimum punishment of imprisonment for a term of forty-five days; or

(b) is guilty of an offence punishable on summary conviction and liable to imprisonment for a term not exceeding eighteen months and to a minimum punishment of imprisonment for a term of fourteen days.

(b) replacing lines 15 to 19 on page 3 with the following:

exceeding ten years and to a minimum punishment of imprisonment for a term of forty-five days; or

(b) is guilty of an offence punishable on summary conviction and liable to imprisonment for a term not exceeding eighteen months and to a minimum punishment of imprisonment for a term of fourteen days.

After debate, the question was put on the amendment of Richard Marceau and it was agreed to on division.

By unanimous consent, it was agreed, — That the result of the vote on a previous amendment be applied to the following amendment which is therefore also negatived:

That Bill C-2, in Clause 3, be amended

a) by replacing line 7 on page 3 with the following:

“age of sixteen years to touch, directly or”

b) by replacing line 12 on page 3 with the following:

“of sixteen years,”

By unanimous consent, it was agreed, — That the result of the vote on a previous amendment be applied to the following amendment which is therefore also negatived:

That Bill C-2, in Clause 3, be amended by replacing line 19 on page 3 with the following:

“months and to a minimum punishment of imprisonment for a term of ninety days.”

Clause 3, as amended, carried on division.

In Clause 4,

By unanimous consent, it was agreed, — That the result of the vote on a previous amendment be applied to the following amendment which is therefore also negatived:

That Bill C-2, in Clause 4, be amended

a) by replacing lines 39 and 40 on page 3 with the following:

“(2) Subsection 153(2) of the Act is replaced by the following:”

b) by adding after line 17 on page 4 the following:

“(2) In this section, “young person” means a person sixteen years of age or more but under the age of eighteen years.”

Richard Marceau moved, — That Bill C-2, in Clause 4, be amended by replacing lines 3 to 7 on page 4 with the following:

“exceeding ten years and to a minimum punishment of imprisonment for a term of forty-five days; or

(b) is guilty of an offence punishable on summary conviction and liable to imprisonment for a term not exceeding eighteen months and to a minimum punishment of imprisonment for a term of fourteen days.

After debate, the question was put on the amendment of Richard Marceau and it was agreed to on division.

Clause 4, as amended, carried on division.

On Clause 5,

By unanimous consent, it was agreed, — That the result of the vote on a previous amendment be applied to the following amendment which is therefore also negated:

That Bill C-2, in Clause 5, be amended by replacing lines 18 to 33 on page 4 with the following:

“5. (1) Subsection 161(1) of the Act is replaced by the following:

161. (1) When an offender is convicted, or is discharged on the conditions prescribed in a probation order under section 730, of an offence referred to in subsection (1.1) in respect of a person who is under the age of sixteen years, the court that sentences the offender or directs that the accused be discharged, as the case may be, in addition to any other punishment that may be imposed for that offence or any other condition prescribed in the order of discharge, shall consider making and may make, subject to the conditions or exemptions that the court directs, an order prohibiting the offender from

(a) attending a public park or public swimming area where persons under the age of sixteen years are present or can reasonably be expected to be present, or a daycare centre, schoolground, playground or community centre;

(b) seeking, obtaining or continuing any employment, whether or not the employment is remunerated, or becoming or being a volunteer in a capacity, that involves being in a position of trust or authority towards persons under the age of sixteen years; or

(c) using a computer system within the meaning of subsection 342.1(2) for the purpose of communicating with a person under the age of sixteen years.”

Clause 5 carried.

On Clause 6,

Joe Comartin moved, — That Bill C-2, in Clause 6, be amended by replacing lines 27 and 28 on page 6 with the following:

“good, are in the public interest or are committed in the process of journalistic investigation for the purpose of preparing, publishing or distributing public news.”

After debate, the question was put on the amendment of Joe Comartin and it was negated, by a show of hands: YEAS: 1; NAYS: 9.

By unanimous consent, it was agreed, — That the result of the vote on the previous amendment be applied to the following amendment which is therefore also negated:

That Bill C-2, in Clause 6, be amended by replacing lines 29 to 37 on page 6 with the following:

“(7) For the purposes of subsection (6), it is a question of law whether an act serves the public good and whether there is evidence that the act alleged goes beyond what serves the public good, but it is a question of fact whether the act does or does not extend beyond what serves the public good.”

Clause 6 carried.

On Clause 7,

Richard Marceau moved, — That Bill C-2, in Clause 7, be amended

a) by replacing lines 17 to 21 on page 7 with the following:

(2) Paragraphs 163.1(2)(a) and (b) of the Act are replaced by the following:

(a) an indictable offence and liable to imprisonment for a term not exceeding ten years and to a minimum punishment of imprisonment for a term of one year; or

(b) an offence punishable on summary conviction and liable to imprisonment for a term not exceeding eighteen months and to a minimum punishment of imprisonment for a term of ninety days.

b) replacing line 32 on page 7 to line 5 on page 8 with the following:

years and to a minimum punishment of imprisonment for a term of one year; or

(b) an offence punishable on summary conviction and liable to imprisonment for a term not exceeding eighteen months and to a minimum punishment of imprisonment for a term of ninety days.

(4) Paragraphs 163.1(4)(a) and (b) of the Act are replaced by the following:

(a) an indictable offence and liable to imprisonment for a term not exceeding five years and to a minimum punishment of imprisonment for a term of forty-five days; or

(b) an offence punishable on summary conviction and liable to imprisonment for a term not exceeding eighteen months and to a minimum punishment of imprisonment for a term of fourteen days.

(5) Paragraphs 163.1(4.1)(a) and (b) of the Act are replaced by the following:

(a) an indictable offence and liable to imprisonment for a term not exceeding five years and to a minimum punishment of imprisonment for a term of forty-five days; or

(b) an offence punishable on summary conviction and liable to imprisonment for a term not exceeding eighteen months and to a minimum punishment of imprisonment for a term of fourteen days.

After debate, the question was put on the amendment of Richard Marceau and it was agreed to on division.

Myron Thompson moved, — That Bill C-2, in Clause 7, be amended by replacing line 20 on page 8 with the following:

“medicine or education; and”

After debate, the question was put on the amendment of Myron Thompson and it was negatived, by a show of hands:
YEAS: 4; NAYS: 5.

Clause 7, as amended, carried.

Clause 8 carried.

Clause 9 carried.

On Clause 9.1,

Richard Marceau moved, — That Bill C-2 be amended by adding after line 14 on page 11 the following:

9.1 Sections 170 and 171 of the Act are replaced by the following:

170. Every parent or guardian of a person under the age of eighteen years who procures the person for the purpose of engaging in any sexual activity prohibited by this Act with a person other than the parent or guardian is guilty of an indictable offence and liable

(a) to imprisonment for a term not exceeding five years and to a minimum punishment of imprisonment for a term of six months if the person procured is under the age of fourteen years; or

(b) to imprisonment for a term not exceeding two years and to a minimum punishment of imprisonment for a term of forty-five days if the person procured is fourteen years of age or more but under the age of eighteen years.

171. Every owner, occupier or manager of premises, or any other person who has control of premises or assists in the management or control of premises, who knowingly permits a person under the age of eighteen years to resort to or to be in or on the premises for the purpose of engaging in any sexual activity prohibited by this Act is guilty of an indictable offence and liable

(a) to imprisonment for a term not exceeding five years and to a minimum punishment of imprisonment for a term of six months if the person in question is under the age of fourteen years; or

(b) to imprisonment for a term not exceeding two years and to a minimum punishment of imprisonment for a term of forty-five days if the person is fourteen years of age or more but under the age of eighteen years.

After debate, the question was put on the amendment of Richard Marceau and it was agreed to.

Clause 9.1, as amended, carried.

Clause 10 carried.

On Clause 10.1,

Richard Marceau moved, — That Bill C-2 be amended by adding after line 19 on page 11 the following:

10.1 (1) Subsection 212(2) of the Act is replaced by the following:

(2) Despite paragraph (1)(j), every person who lives wholly or in part on the avails of prostitution of another person who is under the age of eighteen years is guilty of an indictable offence and liable to imprisonment for a term not exceeding fourteen years and to a minimum punishment of imprisonment for a term of two years.

(2) Subsection 212(4) of the Act is replaced by the following:

(4) Every person who, in any place, obtains for consideration, or communicates with anyone for the purpose of obtaining for consideration, the sexual services of a person who is under the age of eighteen years is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years and to a minimum punishment of imprisonment for a term of six months.

After debate, the question was put on the amendment of Richard Marceau and it was agreed to on division.

Clause 10.1, as amended, carried on division.

Clause 11 carried.

Clause 12 carried.

Clause 13 carried.

Clause 14 carried.

On Clause 15,

Richard Marceau moved, — That Bill C-2, in Clause 15, be amended by

(a) replacing line 30 on page 13 with the following:

accused, the judge or justice shall,

(b) replacing, in the English version, line 41 on page 13 with the following:

the judge or justice may, on applica-

(c) adding after line 5 on page 14 the following:

(2.1) An application referred to in subsection (1) or (2) may be made, during the proceedings, to the presiding judge or justice or, before the proceedings begin, to the judge or justice who will preside at the proceedings.

(d) replacing line 27 on page 14 with the following:

ceedings against an accused, the judge

(e) replacing, in the English version, line 40 on page 14 with the following:

against an accused, the judge or

(f) adding after line 3 on page 15 the following:

(2.1) An application referred to in subsection (1) or (2) may be made, during the proceedings, to the presiding judge or justice or, before the proceedings begin, to the judge or justice who will preside at the proceedings.

(g) replacing line 16 on page 16 with the following:

the witness, unless the judge or justice

(h) replacing, in the English version, line 26 on page 16 with the following:

witness if the judge or justice is of the

(i) replacing line 42 on page 16 with the following:

victim unless the judge or justice is of

(j) adding after line 48 on page 16 the following:

(4.1) An application referred to in subsection (1), (2) or (4) may be made, during the proceedings, to the presiding judge or justice or, before the proceedings begin, to the judge or justice who will preside at the proceedings.

(k) replacing lines 24 to 26 on page 18 with the following:

486.5 (1) Unless an order is made under section 486.4, on application of

After debate, the question was put on the amendment of Richard Marceau and it was agreed to.

Clause 15, as amended, carried.

Clauses 16 to 25 inclusive carried severally.

On Clause 26,

Joe Comartin moved, — That Bill C-2, in Clause 26, be amended by replacing line 13 on page 24 with the following:

“twelve years of age or older whose mental”

After debate, by unanimous consent, the amendment was withdrawn.

Clause 26 carried.

On Clause 27,

Joe Comartin moved, — That Bill C-2, in Clause 27, be amended

(a) by replacing line 19 on page 24 with the following:

“16.1 (1) A person under twelve years of”

(b) by replacing, in the English version, lines 23 to 41 on page 24 and lines 1 to 12 on page 25 with the following:

“witness under twelve years of age shall not be required to take an oath or make a solemn affirmation.

(3) The evidence of a proposed witness under twelve years of age shall be received if they are able to understand and respond to questions.

(4) A party who challenges the capacity of a proposed witness under twelve years of age has the burden of satisfying the court that there is an issue as to the capacity of the proposed witness to understand and respond to questions.

(5) If the court is satisfied that there is an issue as to the capacity of a proposed witness under twelve years of age to understand and respond to questions, it shall, before permitting them to give evidence, conduct an inquiry to determine whether they are able to understand and respond to questions.

(6) The court shall, before permitting a proposed witness under twelve years of age to give evidence, require them to promise to tell the truth.

(7) No proposed witness under twelve years of age shall be asked any questions regarding their understanding of the nature of the promise for the purpose of determining whether their evidence shall be received by the court.

(8) For greater certainty, if the evidence of a witness under twelve years of age is received”

By unanimous consent, the amendment was withdrawn.

Joe Comartin moved, — That Bill C-2, in Clause 27, be amended

(a) by replacing, in the English version, lines 21 to 25 on page 24 with the following:

“(2) A proposed witness under fourteen years of age shall not take an oath or make a solemn affirmation despite a provision of any Act that requires an oath or a solemn affirmation.”

(b) by replacing line 8 on page 25 with the following:

“the promise to tell the truth for the purpose of determining”

After debate, the question was put on the amendment of Joe Comartin and it was agreed to.

Clause 27, as amended, carried.

On Clause 27.1,

Paul Harold Macklin moved, — That Bill C-2 be amended by adding after line 14 on page 25 the following new clause:

“ 27.1 (1) Five years after this section comes into force, a committee of the Senate, of the House of Commons or of both Houses of Parliament that is designated or established for the purpose shall undertake a comprehensive review of this Act and its operation.

(2) The committee shall submit a report on the review to Parliament, including a statement of any changes that it recommends, within six months after it undertakes the review or within any further time authorized by the Senate, the House of Commons or both Houses of Parliament, as the case may be.”

After debate, the question was put on the amendment of Paul Harold Macklin and it was agreed to.

Clause 27.1, as amended, carried.

Clause 28 carried.

Clause 29 carried.

The Preamble carried.

The Title carried.

The Bill, as amended, carried.

ORDERED, — That the Chair report the Bill, as amended, to the House.

ORDERED, — That Bill C-2, as amended, be reprinted for the use of the House at report stage.

At 11:21 a.m., the Committee adjourned to the call of the Chair.

Diane Diotte
Clerk of the Committee

HOUSE OF COMMONS OF CANADA
38th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON JUSTICE, HUMAN RIGHTS,
PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Chair: John Maloney, Lib.

Meeting No. 43

Tuesday, June 7, 2005

ORDER OF THE DAY:

Pursuant to the Order of Reference of Monday, November 15, 2004, the Committee resumed consideration of Bill C-16, An Act to amend the Criminal Code (impaired driving) and to make consequential amendments to other Acts.

MEMBERS OF THE COMMITTEE PRESENT:

Garry Breitkreuz
Joe Comartin
Hon. Roy Cullen
Hon. Paul Harold Macklin
John Maloney
Richard Marceau
Serge Ménard
Anita Neville
Hon. Judy Sgro
Myron Thompson
Mark Warawa.

IN ATTENDANCE:

Library of Parliament:
Laura Barnett, Analyst
Philip Rosen, Principal.

WITNESSES:

Royal Canadian Mounted Police:

Raf Souccar, Director General, Drugs and Organized Crime
Evan Graham, National Coordinator, Drug Evaluation and
Classification Program.

Brant Brantford Drinking and Driving Countermeasures Committee:

Lawrence Palk, Co-Chair.

Office of the Privacy Commissioner of Canada:

Jennifer Stoddart, Privacy Commissioner
Patricia Kosseim, General Counsel.

Raf Souccar made a statement and, with the other witness, answered questions.

Jennifer Stoddart made a statement and, with the other witness, answered questions.

Diane Diotte
Clerk of the Committee

Français [Close](#)

MINUTES OF PROCEEDINGS

Meeting No. 43

Tuesday, June 7, 2005

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met at 9:02 a.m. this day, in Room 308 West Block, the Chair, John Maloney, presiding.

Members of the Committee present: Garry Breitkreuz, Joe Comartin, Hon. Roy Cullen, Hon. Paul Harold Macklin, John Maloney, Richard Marceau, Serge Ménard, Anita Neville, Hon. Judy Sgro, Myron Thompson and Mark Warawa.

In attendance: Library of Parliament: Laura Barnett, Analyst; Philip Rosen, Principal.

Witnesses: Royal Canadian Mounted Police: Raf Souccar, Director General, Drugs and Organized Crime; Evan Graham, National Coordinator, Drug Evaluation and Classification Program. *Brant Brantford Drinking and Driving Countermeasures Committee:* Lawrence Palk, Co-Chair. *Office of the Privacy Commissioner of Canada:* Jennifer Stoddart, Privacy Commissioner; Patricia Kosseim, General Counsel.

Pursuant to the Order of Reference of Monday, November 15, 2004, the Committee resumed consideration of Bill C-16, An Act to amend the Criminal Code (impaired driving) and to make consequential amendments to other Acts.

Raf Souccar made a statement and, with the other witness, answered questions.

Lawrence Palk made a statement and answered questions.

At 10:05 a.m., the sitting was suspended.

At 10:09 a.m., the sitting resumed.

Jennifer Stoddart made a statement and, with the other witness, answered questions.

At 10:59 a.m., the Committee adjourned to the call of the Chair.

Diane Diotte
Clerk of the Committee

2005/06/07 11:57 a.m.

[E-mail th](#)

HOUSE OF COMMONS OF CANADA
38th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON JUSTICE, HUMAN RIGHTS,
PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Chair: John Maloney. Lib.

Meeting No. 44

Thursday, June 9, 2005

ORDER OF THE DAY:

Pursuant to the Order of Reference of Monday, November 15, 2004, the Committee resumed consideration of Bill C-16, An Act to amend the Criminal Code (impaired driving) and to make consequential amendments to other Acts.

MEMBERS OF THE COMMITTEE PRESENT:

Garry Breitkreuz,
Joe Comartin,
Hon. Roy Cullen,
Hon. Paul Harold Macklin,
John Maloney,
Richard Marceau,
Serge Ménard,
Anita Neville,
Hon. Judy Sgro,
Myron Thompson
and Mark Warawa.

ACTING MEMBERS PRESENT:

Randy White for Vic Toews.

IN ATTENDANCE:

Library of Parliament:

Philip Rosen, Principal;
Laura Barnett, Analyst.

WITNESSES:

As Individuals:

Line Beauchesne, Associate Professor, Department of
Criminology, University of Ottawa;
Neil Boyd, Professor of Criminology, Simon Fraser University;
Ed Doerksen.

Canada Safety Council:

Emile-J. Therien, President;
Ethel Archard, Manager, Marketing and Communications;
Raynald Marchand, Manager, Traffic Safety and Training.

Diane Diotte
Clerk of the Committee

[Français](#)[Close](#)

MINUTES OF PROCEEDINGS

Meeting No. 44

Thursday, June 9, 2005

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met at 9:10 a.m. this day, in Room 269 West Block, the Chair, John Maloney, presiding.

Members of the Committee present: Garry Breitkreuz, Joe Comartin, Hon. Roy Cullen, Hon. Paul Harold Macklin, John Maloney, Richard Marceau, Serge Ménard, Anita Neville, Hon. Judy Sgro, Myron Thompson and Mark Warawa.

Acting Members present: Randy White for Vic Toews.

In attendance: Library of Parliament: Philip Rosen, Principal; Laura Barnett, Analyst.

Witnesses: As Individuals: Line Beauchesne, Associate Professor, Department of Criminology, University of Ottawa; Neil Boyd, Professor of Criminology, Simon Fraser University; Ed Doerksen.
Canada Safety Council: Emile-J. Therien, President; Ethel Archard, Manager, Marketing and Communications; Raynald Marchand, Manager, Traffic Safety and Training.

Pursuant to the Order of Reference of Monday, November 15, 2004, the Committee resumed consideration of Bill C-16, An Act to amend the Criminal Code (impaired driving) and to make consequential amendments to other Acts.

The witnesses made statements and answered questions.

At 10:56 a.m., the Committee adjourned to the call of the Chair.

Diane Diotte
Clerk of the Committee

2005/06/09 1:41 p.m.

[E-mail th](#)

HOUSE OF COMMONS OF CANADA
38th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON JUSTICE, HUMAN RIGHTS,
PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Chair: John Maloney, Lib.

Meeting No. 45

Tuesday, June 14, 2005

ORDERS OF THE DAY:

Pursuant to the Order of Reference of Monday, November 15, 2004, the Committee resumed consideration of Bill C-16, An Act to amend the Criminal Code (impaired driving) and to make consequential amendments to other Acts.

The Committee proceeded to the consideration of matters related to Committee business.

MEMBERS OF THE COMMITTEE PRESENT:

Hon. Roy Cullen,
Hon. Paul Harold Macklin,
John Maloney,
Richard Marceau,
Anita Neville,
Hon. Judy Sgro,
Myron Thompson
and Mark Warawa.

ACTING MEMBERS PRESENT:

Rob Moore for Garry Breitkreuz,
Robert Vincent for Serge Ménard,
and Randy White for Vic Toews.

IN ATTENDANCE:

Library of Parliament:

Philip Rosen, Principal.

WITNESSES:

Canadian Society of Forensic Science:

Wayne Kenneth Jeffery, Chair, Drugs and Driving Committee,
Vancouver Forensic Laboratory.

Canadian Council of Motor Transport Administrators:

Kwei Quaye, Chair, Strategy to Reduce Impaired Driving.

Criminal Lawyers' Association:

Michael Lomer, Representative.

Diane Diotte
Clerk of the Committee

Français

[Close](#)

MINUTES OF PROCEEDINGS

Meeting No. 45

Tuesday, June 14, 2005

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met at 9:07 a.m. this day, in Room 269 West Block, the Chair, John Maloney, presiding.

Members of the Committee present: Hon. Roy Cullen, Hon. Paul Harold Macklin, John Maloney, Richard Marceau, Anita Neville, Judy Sgro, Myron Thompson and Mark Warawa.

Acting Members present: Rob Moore for Garry Breitkreuz, Robert Vincent for Serge Ménard and Randy White for Vic Toews.

In attendance: Library of Parliament: Philip Rosen, Principal.

Witnesses: Canadian Society of Forensic Science: Wayne Kenneth Jeffery, Chair, Drugs and Driving Committee, Vancouver Forensic Laboratory. *Canadian Council of Motor Transport Administrators:* Kwei Quaye, Chair, Strategy to Reduce Impaired Driving. *Criminal Lawyers' Association:* Michael Lomer, Representative.

Pursuant to the Order of Reference of Monday, November 15, 2004, the Committee resumed consideration of Bill C-16, An Act to amend the Criminal Code (impaired driving) and to make consequential amendments to other Acts.

The witnesses made statements and answered questions.

At 10:41 a.m., the sitting was suspended.

At 10:42 a.m., the sitting resumed *in camera*.

The Committee proceeded to the consideration of matters related to Committee business.

It was agreed, — That pursuant to Standing Order 108, there be established a subcommittee composed of one (1) member of each recognized party in the House plus one (1) Chair, with the mandate to examine the process for appointments to the federal judiciary and make recommendations for reform, with the primary goal of eliminating political partisanship from the process, and that the Committee report back to the House by October 31, 2005.

At 10:58 a.m., the Committee adjourned to the call of the Chair.

Diane Diotte
Clerk of the Committee

2005/06/22 3:57 p.m.

E-mail th

HOUSE OF COMMONS OF CANADA
38th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON JUSTICE, HUMAN RIGHTS,
PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Chair: John Maloney. Lib.

Meeting No. 46

Thursday, June 16, 2005

ORDER OF THE DAY:

Pursuant to the Order of Reference of Monday, November 15, 2004, the Committee resumed consideration of Bill C-16, An Act to amend the Criminal Code (impaired driving) and to make consequential amendments to other Acts.

The Committee proceeded to the consideration of matters related to Committee business.

MEMBERS OF THE COMMITTEE PRESENT:

Garry Breitkreuz,
Joe Comartin,
Hon. Paul Harold Macklin,
John Maloney,
Richard Marceau,
Serge Ménard,
Anita Neville,
Hon. Judy Sgro,
Myron Thompson
and Mark Warawa.

ACTING MEMBERS PRESENT:

Ruby Dhalla for Hon. Judy Sgro,
Wajid Khan for Hon. Roy Cullen,
and Randy White for Vic Toews.

IN ATTENDANCE:

Library of Parliament:

Philip Rosen, Principal;
Robin MacKay, Analyst.

WITNESSES:

Mothers Against Drunk Driving:

Andrew Murie, Chief Executive Officer;
Robert Solomon, Director, Legal Policy.

Canadian Council of Criminal Defence Lawyers:

Joseph Di Luca, Representative.

Canadian Association of Chiefs of Police:

Christopher McNeil, Chair, Drug Abuse Committee.

Traffic Injury Research Foundation:

Douglas Beirness, Vice-President, Research;
Herb M. Simpson, President and Chief Executive Officer.

Diane Diotte
Clerk of the Committee

Français [Close](#)

MINUTES OF PROCEEDINGS

Meeting No. 46

Thursday, June 16, 2005

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met at 9:03 a.m. this day, in Room 269 West Block, the Chair, John Maloney, presiding.

Members of the Committee present: Garry Breitkreuz, Joe Comartin, Hon. Paul Harold Macklin, John Maloney, Richard Marceau, Serge Ménard, Anita Neville, Hon. Judy Sgro, Myron Thompson and Mark Warawa.

Acting Members present: Ruby Dhalla for Hon. Judy Sgro, Wajid Khan for Hon. Roy Cullen and Randy White for Vic Toews.

In attendance: Library of Parliament: Philip Rosen, Principal; Robin MacKay, Analyst.

Witnesses: Mothers Against Drunk Driving: Andrew Murie, Chief Executive Officer; Robert Solomon, Director, Legal Policy. *Canadian Council of Criminal Defence Lawyers:* Joseph Di Luca, Representative. *Canadian Association of Chiefs of Police:* Christopher McNeil, Chair, Drug Abuse Committee. *Traffic Injury Research Foundation:* Douglas Beirness, Vice-President, Research; Herb M. Simpson, President and Chief Executive Officer.

Pursuant to the Order of Reference of Monday, November 15, 2004, the Committee resumed consideration of Bill C-16, An Act to amend the Criminal Code (impaired driving) and to make consequential amendments to other Acts.

The witnesses made statements and answered questions.

At 10:46 a.m., the sitting was suspended.

At 10:49 a.m., the sitting resumed *in camera*.

The Committee proceeded to the consideration of matters related to Committee business.

By unanimous consent, it was agreed, — That the motion adopted on June 14, 2005 concerning the membership of the Subcommittee to study the process for appointments to the federal judiciary be rescinded.

It was agreed, — That, pursuant to Standing Order 108, the Subcommittee be composed of two (2) members of the Liberal Party, two (2) members of the Conservative Party of Canada, two (2) members of the Bloc Québécois and one (1) member of the New Democratic Party, including a Chair from the Bloc Québécois, with the mandate to examine the process for appointments to the federal judiciary and make recommendations for reform, with the primary goal of eliminating political partisanship from the process, and that the Committee report back to the House by October 31, 2005.

It was agreed, — That the Chair present a report to the House requesting that the deadline for the presentation of the Committee's report to the House respecting the process for appointments to the federal judiciary be extended to December 15, 2005.

At 10:54 a.m., the Committee adjourned to the call of the Chair.

Diane Diotte
Clerk of the Committee

2005/06/16 4:51 p.m.

E-mail th

HOUSE OF COMMONS OF CANADA
38th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON JUSTICE, HUMAN RIGHTS,
PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Chair: John Maloney, Lib.

Meeting No. 47

Tuesday, June 21, 2005

ORDERS OF THE DAY:

Pursuant to the Order of Reference of Monday, November 15, 2004, the Committee resumed consideration of Bill C-16, An Act to amend the Criminal Code (impaired driving) and to make consequential amendments to other Acts.

The Committee proceeded to the consideration of matters related to Committee business.

MEMBERS OF THE COMMITTEE PRESENT:

Garry Breitkreuz,
Joe Comartin,
Hon. Roy Cullen,
Hon. Paul Harold Macklin,
John Maloney,
Richard Marceau,
Serge Ménard,
Anita Neville,
Myron Thompson,
Vic Toews
and Mark Warawa.

ACTING MEMBERS PRESENT:

Rob Moore for Mark Warawa,
and Lloyd St. Amand for Hon. Judy Sgro.

IN ATTENDANCE:

Library of Parliament:

Philip Rosen, Principal;
Laura Barnett, Analyst.

WITNESSES:

As Individuals:

Pierre Beaumier, President, Maxxam;
Barry Beyerstein, Professor of Psychology, Simon Fraser
University.

Diane Diotte
Clerk of the Committee

MINUTES OF PROCEEDINGS

Meeting No. 47

Tuesday, June 21, 2005

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met at 9:08 a.m. this day, in Room 371 West Block, the Chair, John Maloney, presiding.

Members of the Committee present: Garry Breitkreuz, Joe Comartin, Hon. Roy Cullen, Hon. Paul Harold Macklin, John Maloney, Richard Marceau, Serge Ménard, Anita Neville, Myron Thompson, Vic Toews and Mark Warawa.

Acting Members present: Rob Moore for Mark Warawa and Lloyd St. Amand for Hon. Judy Sgro.

In attendance: Library of Parliament: Philip Rosen, Principal; Laura Barnett, Analyst.

Witnesses: As Individuals: Pierre Beaumier, President, Maxxam; Barry Beyerstein, Professor of Psychology, Simon Fraser University.

Pursuant to the Order of Reference of Monday, November 15, 2004, the Committee resumed consideration of Bill C-16, An Act to amend the Criminal Code (impaired driving) and to make consequential amendments to other Acts.

The witnesses made statements and answered questions.

At 10:31 a.m., the sitting was suspended.

At 10:34 a.m., the sitting resumed *in camera*.

The Committee proceeded to the consideration of matters related to Committee business.

It was agreed, — Whereas, in the province of Manitoba the RCMP is advising rural communities of the closure and centralization of highway patrol units, causing grave concern for the safety and well-being of residents of Manitoba;

Whereas, the RCMP has also advised that this program is to better serve residents of Manitoba, which directly contradicts statements made by municipal officials and concerned citizens;

Whereas such redeployment of RCMP personnel is also occurring in jurisdictions in other parts of Canada;

Whereas in 1998-1999 in the province of Manitoba, the RCMP then informed the provincial government that it was restructuring its detachments to better serve the residents of Manitoba, and denied that any police services would be reduced; and

Whereas in 2004 as a result of testimony before the Gomery inquiry, Canadians learned that Mr. Dawson Hovey, a retired member of the RCMP, testified that a 173 million dollar budget cutback and the elimination of 2200 positions was the real reason for the 1998-1999 redeployment in Manitoba and

in other jurisdictions;

That the Standing Committee on Justice, Human Rights, and Public Safety and Emergency Preparedness, call on the Commissioner of the RCMP and the Minister of Public Safety and Emergency Preparedness to immediately cease closure of all operational units and redeployment of personnel in RCMP detachments in Manitoba and that the Committee invite municipal officials of regional municipalities affected by the closing of RMCP detachments to appear before the committee and to describe the effect these closures have had or will have on their communities.

At 10:55 a.m., the Committee adjourned to the call of the Chair.

Diane Diotte
Clerk of the Committee

2005/06/21 11:57 a.m.

E-mail th

HOUSE OF COMMONS OF CANADA
38th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON JUSTICE, HUMAN RIGHTS,
PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Chair: John Maloney, Lib.

Meeting No. 48

Thursday, June 23, 2005

ORDER OF THE DAY:

Pursuant to the Order of Reference of Monday, November 15, 2004, the Committee resumed consideration of Bill C-16, An Act to amend the Criminal Code (impaired driving) and to make consequential amendments to other Acts.

MEMBERS OF THE COMMITTEE PRESENT:

Garry Breitkreuz,
Joe Comartin,
Hon. Roy Cullen,
Hon. Paul Harold Macklin,
John Maloney,
Serge Ménard,
Anita Neville,
Hon. Judy Sgro
and Vic Toews.

ACTING MEMBERS PRESENT:

Rob Moore for Myron Thompson,
and Randy White for Mark Warawa.

IN ATTENDANCE:

Library of Parliament:

Laura Barnett, Analyst;
Philip Rosen, Principal.

WITNESSES:

Canadian Professional Police Association:

Tony Cannavino, President;
David Griffin, Executive Officer.

B.C. Civil Liberties Association:

Larry Cohen, Member, Board of Directors.

Canadian Centre on Substance Abuse:

Patricia Begin, Director, Research and Policy;
John Weekes, Senior Research Analyst.

Centre for Addiction and Mental Health:

Robert Mann, Senior Scientist.

Diane Diotte
Clerk of the Committee

[Français](#)[Close](#)

MINUTES OF PROCEEDINGS

Meeting No. 48

Thursday, June 23, 2005

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met at 9:05 a.m. this day, in Room 705 La Promenade Building, the Chair, John Maloney, presiding.

Members of the Committee present: Garry Breitkreuz, Joe Comartin, Hon. Roy Cullen, Hon. Paul Harold Macklin, John Maloney, Serge Ménard, Anita Neville, Hon. Judy Sgro and Vic Toews.

Acting Members present: Rob Moore for Myron Thompson and Randy White for Mark Warawa.

In attendance: Library of Parliament: Laura Barnett, Analyst; Philip Rosen, Principal.

Witnesses: Canadian Professional Police Association: Tony Cannavino, President; David Griffin, Executive Officer. *B.C. Civil Liberties Association:* Larry Cohen, Member, Board of Directors. *Canadian Centre on Substance Abuse:* Patricia Begin, Director, Research and Policy; John Weekes, Senior Research Analyst. *Centre for Addictions and Mental Health:* Robert Mann, Senior Scientist.

Pursuant to the Order of Reference of Monday, November 15, 2004, the Committee resumed consideration of Bill C-16, An Act to amend the Criminal Code (impaired driving) and to make consequential amendments to other Acts.

The witnesses made statements and answered questions.

At 11:00 a.m., the sitting was suspended.

At 11:01 a.m., the sitting resumed *in camera*.

The Committee proceeded to discuss matters related to its business.

At 11:05 a.m., the Committee adjourned to the call of the Chair.

Diane Diotte
Clerk of the Committee

2005/06/23 3:31 p.m.

[E-mail th](#)

HOUSE OF COMMONS OF CANADA
38th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON JUSTICE, HUMAN RIGHTS,
PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Chair: John Maloney

Meeting No. 49

Tuesday, June 28, 2005

ORDER OF THE DAY:

The Committee proceeded to the consideration of matters related to Committee business.

MEMBERS OF THE COMMITTEE PRESENT:

Garry Breitkreuz
Joe Comartin
Hon. Paul Harold Macklin
John Maloney
Richard Marceau
Serge Ménard
Anita Neville
Hon. Judy Sgro
Myron Thompson
Mark Warawa

ACTING MEMBERS PRESENT:

Sarmite Bulte for Roy Cullen
Rob Moore for Vic Toews

IN ATTENDANCE:

Library of Parliament:

Philip Rosen, Principal;

Wade Raaflaub, Analyst.

Diane Diotte
Clerk of the Committee

MINUTES OF PROCEEDINGS

Meeting No. 49

Tuesday, June 28, 2005

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met *in camera* at 9:12 a.m. this day, in Room 308 West Block, the Chair, John Maloney, presiding.

Members of the Committee present: Garry Breitkreuz, Joe Comartin, Hon. Paul Harold Macklin, John Maloney, Richard Marceau, Serge Ménard, Anita Neville, Hon. Judy Sgro, Myron Thompson and Mark Warawa.

Acting Members present: Sarmite Bulte for Roy Cullen and Rob Moore for Vic Toews.

In attendance: Library of Parliament: Philip Rosen, Principal; Wade Raaflaub, Analyst.

At 9:13 a.m., the sitting was suspended.

At 9:14 a.m., the sitting resumed in public.

The Committee proceeded to the consideration of matters related to Committee business.

Garry Breitkreuz moved, — Whereas the Law and Government Division of the Parliamentary Information and Research Service of the Library of Parliament has issued a report dated June 15, 2005, revealing the fact that thousands of law-abiding owners of registered short-barreled handguns are unable to renew their registration certificates because it was "...not made possible due to the timing of Bill C-10A's enactment and coming into force," and

Whereas neither the Government nor the Canada Firearms Centre has proposed a regulation or amendment to the Firearms Act to correct this problem;

That this serious problem be investigated and addressed by the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness .

Debate arose thereon.

After debate, the question was put on the motion and it was negatived, by a show of hands: YEAS: 5; NAYS: 6.

On motion of Judy Sgro, it was agreed, — That the consideration of the motion for the questioning of witnesses be postponed until the first meeting of the Committee in the Fall.

At 10:00 a.m., the Committee adjourned to the call of the Chair.

Diane Diotte
Clerk of the Committee

CA1
XC33
-J96

HOUSE OF COMMONS OF CANADA
38th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON JUSTICE, HUMAN RIGHTS,
PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Chair: John Maloney, Lib.

Meeting No. 50

Thursday, September 29, 2005

IN CAMERA



MINUTES OF PROCEEDINGS

Meeting No. 50

Thursday, September 29, 2005

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met *in camera* at 11:05 a.m. this day, in Room 308, West Block, the Chair, John Maloney, presiding.

Members of the Committee present: Garry Breitkreuz, Joe Comartin, Hon. Paul Harold Macklin, John Maloney, Richard Marceau, Anita Neville, Hon. Judy Sgro, Vic Toews and Mark Warawa.

Acting Members present: Marc Lemay for Serge Ménard, Hon. Gurbax Malhi for Hon. Roy Cullen and Rob Moore for Myron Thompson.

Associate Members present: Daryl Kramp.

In attendance: Library of Parliament: Philip Rosen, Principal; Robin MacKay, Analyst.

The Committee proceeded to the consideration of matters related to Committee business.

It was agreed, — That, at the discretion of the Chair, during the questioning of witnesses, there be allocated seven (7) minutes for the first questioner of each party; starting with the Opposition parties; and that thereafter, five (5) minutes be allocated to each subsequent questioner, until every member has spoken once.

It was agreed, — That the order of business of the Committee be as follows:

Study of Bill C-49 on October 4, 2005;

Study of Bill C-53 on October 6, 2005;

Study of Bill C-215 on October 18, 2005;

Study of Bill C-16 with Mr. Raf Souccar, senior official with the RCMP on October 20, 2005;

Study of the motion adopted by the Committee on June 21, 2005 concerning the closure of the RCMP detachments in Manitoba on October 20, 2005;

Clause by clause study of Bill C-16 on October 25, 2005.

It was agreed, — That, with regard to the certificate of nomination of Catherine Ebbs to the position of Chairman, Royal Canadian Mounted Police External Review Committee, Ms. Ebbs be invited to appear before the Committee.

It was agreed, — That, in regards to correspondence received from the Minister of Justice, discussion about the Committee conducting the review of Section 25.1 to 25.4 of the Criminal Code, enacted through Bill C-24 (S.C. 2001-c.32), be revisited once the Committee obtains more information from the Department of Justice on the application of those sections.

It was agreed, — That the Committee revisit its priorities in November 2005.

The following notice of motion was given:

THAT, given inmates in federal prisons currently have access to sexually explicit material on cable television; and televised sexually explicit material may be viewed by other persons, such as prison staff and other inmates,

and has the potential to undermine a person's sense of personal dignity;

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness study the issue of limiting access to sexually explicit material on cable television in federal prisons and report to the House.

At 11:52 a.m., the Committee adjourned to the call of the Chair.

Diane Diotte, Louise Hayes
Clerks of the Committee

2005/09/30 11:49 a.m.

[E-mail this page](#)

HOUSE OF COMMONS OF CANADA
38th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON JUSTICE, HUMAN RIGHTS,
PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Chair: John Maloney, Lib.

Meeting No. 51

Tuesday, October 4, 2005

ORDER OF THE DAY:

Pursuant to the Order of Reference of Tuesday, September 27, 2005, the Committee commenced consideration of Bill C-49, An Act to amend the Criminal Code (trafficking in persons).

The Committee proceeded to the consideration of matters related to Committee business.

MEMBERS OF THE COMMITTEE PRESENT:

Garry Breitkreuz,
Joe Comartin,
Hon. Roy Cullen,
Hon. Paul Harold Macklin,
John Maloney,
Hon. Judy Sgro,
Myron Thompson
and Mark Warawa.

ACTING MEMBERS PRESENT:

Raymond Bonin for Hon. Roy Cullen,
Christiane Gagnon for Richard Marceau,
Marc Lemay for Serge Ménard,
Rob Moore for Vic Toews,
and Hon. Paddy Torsney for Anita Neville.

IN ATTENDANCE:

Library of Parliament:

Robin MacKay, Analyst;

Laura Barnett, Analyst.

House of Commons:

Jean-François Lafleur, Legislative Clerk.

WITNESSES:

Department of Justice:

Carole Morency, Senior Counsel, Criminal Law Policy Section;

Nathalie Levman, Counsel, Family, Children and Youth Section.

Diane Diotte, Louise Hayes
Clerks of the Committee

MINUTES OF PROCEEDINGS

Meeting No. 51

Tuesday, October 4, 2005

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met at 11:15 a.m. this day, in Room 308, West Block, the Chair, John Maloney, presiding.

Members of the Committee present: Garry Breitkreuz, Joe Comartin, Hon. Roy Cullen, Hon. Paul Harold Macklin, John Maloney, Hon. Judy Sgro, Myron Thompson and Mark Warawa.

Acting Members present: Raymond Bonin for Hon. Roy Cullen, Christiane Gagnon for Richard Marceau, Marc Lemay for Serge Ménard, Rob Moore for Vic Toews and Hon. Paddy Torsney for Anita Neville.

In attendance: Library of Parliament: Robin MacKay, Analyst; Laura Barnett, Analyst. *House of Commons:* Jean-François Lafleur, Legislative Clerk.

Witnesses: Department of Justice: Carole Morency, Senior Counsel, Criminal Law Policy Section; Nathalie Levman, Counsel, Family, Children and Youth Section.

Pursuant to the Order of Reference of Tuesday, September 27, 2005, the Committee commenced consideration of Bill C-49, An Act to amend the Criminal Code (trafficking in persons).

Carole Morency made a statement and, with the other witness, answered questions.

The Committee commenced its clause-by-clause study of the Bill.

The Chair called Clause 1.

Clauses 1 to 7 inclusive carried severally.

On Clause 8,

Paul Harold Macklin moved, — That Bill C-49, in Clause 8, be amended by replacing lines 27 and 28 on page 4 with the following:

(a) section 4 of this Act is repealed; and

After debate, the question was put on the amendment of Paul Harold Macklin and it was agreed to.

Clause 8, as amended, carried.

On Clause 9,

Paul Harold Macklin moved, — That Bill C-49 be amended by adding after line 35 on page 5 the following:

9. (1) If subsection 1(4) of *An Act to amend the Criminal Code, the DNA Identification Act and the National Defence Act* (the “other Act”), chapter 25 of the Statutes of Canada, 2005, comes into force before this Act receives royal assent, section 5 of this Act is replaced by the following:

5. Paragraph (a) of the definition “primary designated offence” in section 487.04 of the Act is amended by adding the following after subparagraph (vii):

(vii.1) section 279.01 (trafficking in persons),

(2) If this Act receives royal assent before the coming into force of subsection 1(4) of the other Act, then on the coming into force of that subsection, paragraph (a) of the definition “primary designated offence” in section 487.04 of the *Criminal Code* is amended by adding the following after subparagraph (vii):

(vii.1) section 279.01 (trafficking in persons),

After debate, the question was put on the amendment of Paul Harold Macklin and it was agreed to.

Clause 9, as amended, carried.

The Title carried.

The Bill, as amended, carried.

ORDERED, — That the Chair report the Bill, as amended, to the House.

ORDERED, — That Bill C-49, as amended, be reprinted for the use of the House at report stage.

At 12:15 p.m., the Committee proceeded to the consideration of matters related to Committee business.

It was agreed, — That the budget in the amount of \$ 38, 950, proposed by the Subcommittee studying the process of appointment to the federal judiciary, be adopted.

At 12:20 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte, Louise Hayes
Clerks of the Committee

2005/10/04 3:43 p.m.

[E-mail this page](#)

HOUSE OF COMMONS OF CANADA
38th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON JUSTICE, HUMAN RIGHTS,
PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Mr. John Maloney, Lib.

Meeting No. 52

Thursday, October 6, 2005

ORDER OF THE DAY:

Pursuant to the Order of Reference of Wednesday, September 28, 2005, the Committee commenced consideration of Bill C-53, An Act to Amend the Criminal Code (proceeds of crime) and the Controlled Drugs and Substances Act and to make consequential amendments to another Act.

The Committee proceeded to the consideration of matters related to Committee business.

MEMBERS OF THE COMMITTEE PRESENT:

Garry Breitkreuz,
Joe Comartin,
Hon. Roy Cullen,
Hon. Paul Harold Macklin,
John Maloney,
Richard Marceau,
Hon. Judy Sgro,
Vic Toews
and Mark Warawa.

ACTING MEMBERS PRESENT:

Jean-Claude D'Amours for Anita Neville,
Marc Lemay for Serge Ménard,
Rob Moore for Myron Thompson,
and Hon. Paddy Torsney for Hon. Roy Cullen.

IN ATTENDANCE:

Library of Parliament:
Robin MacKay, Analyst.

WITNESSES:

Department of Justice:
Paul Saint-Denis, Senior Counsel, Criminal Law Policy Section;
Shawn Scromeda, Counsel, Criminal Law Policy Section;
Simon William, Counsel, Strategic Operations Section.

Shawn Scromeda made a statement and, with the other witnesses, answered questions.

Diane Diotte, Louise Hayes
Clerks of the Committee

MINUTES OF PROCEEDINGS

Meeting No. 52

Thursday, October 6, 2005

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met at 11:08 a.m. this day, in Room 371, West Block, the Chair, John Maloney, presiding.

Members of the Committee present: Garry Breitkreuz, Joe Comartin, Hon. Roy Cullen, Hon. Paul Harold Macklin, John Maloney, Richard Marceau, Hon. Judy Sgro, Vic Toews and Mark Warawa.

Acting Members present: Jean-Claude D'Amours for Anita Neville, Marc Lemay for Serge Ménard, Rob Moore for Myron Thompson and Hon. Paddy Torsney for Hon. Roy Cullen.

In attendance: Library of Parliament: Robin MacKay, Analyst.

Witnesses: Department of Justice: Paul Saint-Denis, Senior Counsel, Criminal Law Policy Section; Shawn Scromeda, Counsel, Criminal Law Policy Section; Simon William, Counsel, Strategic Operations Section.

Pursuant to the Order of Reference of Wednesday, September 28, 2005, the Committee commenced consideration of Bill C-53, An Act to Amend the Criminal Code (proceeds of crime) and the Controlled Drugs and Substances Act and to make consequential amendments to another Act.

Shawn Scromeda made a statement and, with the other witnesses, answered questions.

At 12:39 p.m. the Committee proceeded to the consideration of matters related to Committee business.

Mark Warawa moved, — That, given inmates in federal prisons currently have access to sexually explicit material on cable television; and televised sexually explicit material may be viewed by other persons, such as prison staff and other inmates, and has the potential to undermine a person's sense of personal dignity;

the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness study the issue of limiting access to sexually explicit material on cable television in federal prisons and report to the House.

Debate arose thereon.

By unanimous consent, it was agreed, — That consideration of Mark Warawa's motion be postponed until the Committee obtains more information on this matter.

At 1:00 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte, Louise Hayes
Clerks of the Committee

2005/10/06 3:36 p.m.

E-mail th

HOUSE OF COMMONS OF CANADA
38th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON JUSTICE, HUMAN RIGHTS,
PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Chair: John Maloney, Lib.

Meeting No. 53

Tuesday, October 18, 2005

ORDERS OF THE DAY:

The Clerk of the Committee presided over the election of a Chair.

Pursuant to the Order of Reference of Wednesday, May 4, 2005, the Committee commenced consideration of Bill C-215, An Act to amend the Criminal Code (consecutive sentence for use of firearm in commission of offence).

MEMBERS OF THE COMMITTEE PRESENT:

Garry Breitkreuz,
Joe Comartin,
Hon. Roy Cullen,
Marc Lemay,
Hon. Paul Harold Macklin,
John Maloney,
Richard Marceau,
Hon. Judy Sgro,
Myron Thompson,
Vic Toews,
Mark Warawa
and Borys Wrzesnewskyj.

ACTING MEMBER PRESENT:

Jean-Claude D'Amours for Hon. Paul Harold Macklin.

IN ATTENDANCE:

Library of Parliament:

Philip Rosen, Principal;
Robin MacKay, Analyst.

House of Commons:

Jean-Francois Lafleur, Legislative Clerk;

WITNESSES:

House of Commons:

Daryl Kramp, Prince Edward—Hastings.

Canadian Police Association:

Tony Cannavino, President.

Royal Newfoundland Constabulary:

Chief Rick Deering.

Toronto Police Service:

Deputy Chief A. J. Warr, Specialized Operations Command.

Department of Justice:

David Daubney, General Counsel, Sentencing Reform Team.

Montreal Urban Community Police Department:

Yves Charette, Assistant Director.

Diane Diotte, Louise Hayes
Clerks of the Committee

MINUTES OF PROCEEDINGS

Meeting No. 53

Tuesday, October 18, 2005

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met at 11:06 a.m. this day, in Room 209, West Block, for the purpose of electing a Chair, pursuant to Standing Order 106(1).

Members of the Committee present: Garry Breitkreuz, Joe Comartin, Hon. Roy Cullen, Marc Lemay, Hon. Paul Harold Macklin, John Maloney, Richard Marceau, Hon. Judy Sgro, Myron Thompson, Vic Toews, Mark Warawa and Borys Wrzesnewskyj.

Acting Members present: Jean-Claude D'Amours for Hon. Paul Harold Macklin.

In attendance: Library of Parliament: Philip Rosen, Principal; Robin MacKay, Analyst. *House of Commons:* Jean-Francois Lafleur, Legislative Clerk.

Witnesses: House of Commons: Daryl Kramp, Prince Edward—Hastings. *Canadian Police Association:* Tony Cannavino, President. *Royal Newfoundland Constabulary:* Rick Deering, Chief. *Toronto Police Service:* A. J. Warr, Deputy Chief, Specialized Operations Command. *Department of Justice:* David Daubney, General Counsel, Sentencing Reform Team. *Montreal Urban Community Police Department:* Yves Charette, Assistant Director.

The Clerk of the Committee presided over the election of a Chair.

On motion of Garry Breitkreuz, it was agreed, — That John Maloney be elected Chair of the Committee.

The Clerk of the Committee presided over the election of the Vice-Chairs.

On motion of Myron Thompson, it was agreed, — That Garry Breitkreuz be elected as Official Opposition Vice-Chair of the Committee.

On motion of Marc Lemay, it was agreed, — That Richard Marceau be elected as Opposition Vice-Chair of the Committee.

John Maloney took the Chair.

Pursuant to the Order of Reference of Wednesday, May 4, 2005, the Committee commenced consideration of Bill C-215, An Act to amend the Criminal Code (consecutive sentence for use of firearm in commission of offence).

Daryl Kramp, Tony Cannavino, Rick Deering, A.J. Warr and David Daubney made statements and answered questions.

At 1:15 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte, Louise Hayes
Clerks of the Committee

2005/10/20 11:41 a.m.

E-mail th

HOUSE OF COMMONS OF CANADA
38th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON JUSTICE, HUMAN RIGHTS,
PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Chair: John Maloney, Lib.

Meeting No. 54

Thursday, October 20, 2005

ORDERS OF THE DAY:

Pursuant to the Order of Reference of Monday, November 15, 2004, the Committee resumed consideration of Bill C-16, An Act to amend the Criminal Code (impaired driving) and to make consequential amendments to other Acts.

Pursuant to Standing Order 108(2), the Committee resumed its study on the closing of RCMP detachments

MEMBERS OF THE COMMITTEE PRESENT:

Garry Breitkreuz,
Joe Comartin,
Hon. Roy Cullen,
Marc Lemay,
Hon. Paul Harold Macklin,
John Maloney,
Richard Marceau,
Hon. Judy Sgro,
Myron Thompson,
Vic Toews,
Mark Warawa
and Borys Wrzesnewskyj.

IN ATTENDANCE:

Library of Parliament:

Philip Rosen, Principal;
Robin MacKay, Analyst.

WITNESSES:

Royal Canadian Mounted Police:

Assistant Commissioner Raf Souccar, Federal and International
Operations;
Evan Graham, National Coordinator, Drug Evaluation and
Classification Program;
Derek Ogden, Director General, Drugs and Organized Crime.

RCMP Detachments in Manitoba:

Assistant Commissioner Darrell Madill, Commanding Officer, "D"
Division;
Michael Woods, Chief Superintendent, Director General, National
Contract Policing Branch Community, Contract and Aboriginal
Policy Services.

Rural Municipality of Taché:

Jeff Norman, Councillor.

Rural Municipality of Ritchot:

Robert Stefaniuk, Mayor.

Town of Morris:

Barrie Stevenson, Mayor.

A/Commr. Darrell Madill, Jeff Norman, Barrie Stevenson and Robert Stefaniuk made
statements and, with Michael Woods, answered questions.

Diane Diotte, Louise Hayes
Clerks of the Committee

 [Close](#)

MINUTES OF PROCEEDINGS

Meeting No. 54

Thursday, October 20, 2005

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met at 11:08 a.m. this day, in Room 371, West Block, the Chair, John Maloney, presiding.

Members of the Committee present: Garry Breitkreuz, Joe Comartin, Hon. Roy Cullen, Marc Lemay, Hon. Paul Harold Macklin, John Maloney, Richard Marceau, Hon. Judy Sgro, Myron Thompson, Vic Toews, Mark Warawa and Borys Wrzesnewskyj.

In attendance: Library of Parliament: Philip Rosen, Principal; Robin MacKay, Analyst.

Witnesses: Royal Canadian Mounted Police: Raf Souccar, Assistant Commissioner, Federal and International Operations; Evan Graham, National Coordinator, Drug Evaluation and Classification Program; Derek Ogden, Director General, Drugs and Organized Crime. *RCMP Detachments in Manitoba:* Darrell Madill, Assistant Commissioner, Commanding Officer, "D" Division; Michael Woods, Chief Superintendent, Director General, National Contract Policing Branch Community, Contract and Aboriginal Policy Services. *RM of Taché:* Jeff Norman, Councillor. *RM of Ritchot:* Robert Stefaniuk, Mayor. *Town of Morris:* Barrie Stevenson, Mayor.

Pursuant to the Order of Reference of Monday, November 15, 2004, the Committee resumed consideration of Bill C-16, An Act to amend the Criminal Code (impaired driving) and to make consequential amendments to other Acts.

Raf Souccar, Evan Graham and Derek Ogden answered questions.

At 11:25 a.m., the sitting was suspended.

At 11:30 a.m., the sitting resumed.

Pursuant to Standing Order 108(2), the Committee resumed its study on the closing of RCMP detachments

Darrell Madill, Jeff Norman, Barrie Stevenson and Robert Stefaniuk made statements and, with Michael Woods, answered questions.

At 12:55 p.m., the Committee proceeded to the consideration of matters related to Committee business.

On motion of Judy Sgro, it was agreed, — That the budget in the amount of \$27,990, proposed by the Subcommittee on National Security and Public Safety, regarding its review of the Anti-terrorism Act, seeking the approval of the House to travel to Washington D.C. on November 14, 2005 for the purpose of meeting with members of Congress, senior U.S. government officials and non-governmental experts, and that the necessary staff do accompany the Subcommittee, be approved.

On motion of Paul Harold Macklin, it was agreed, — That the budget in the amount of \$321, proposed by the Subcommittee on National Security and Public Safety, regarding its review of the Anti-terrorism Act, seeking the permission of the House to travel to the Ottawa Carleton Detention Centre for the

purpose of meeting with Mr. Mohammed Harkat, and that the necessary staff do accompany the Subcommittee, be approved.

It was agreed, — That the debate on the notice of motion given by Garry Breitkreuz on September 29, 2005 concerning the compensation claim by Lloyd Schrier, be held on October 27, 2005.

At 1:03 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte, Louise Hayes
Clerks of the Committee

2005/10/20 4:51 p.m.

E-mail th

HOUSE OF COMMONS OF CANADA
38th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON JUSTICE, HUMAN RIGHTS,
PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Chair: John Maloney, Lib.

Meeting No. 55

Tuesday, October 25, 2005

ORDER OF THE DAY:

Pursuant to the Order of Reference of Monday, November 15, 2004, the Committee resumed consideration of Bill C-16, An Act to amend the Criminal Code (impaired driving) and to make consequential amendments to other Acts.

The Committee proceeded to the consideration of matters related to Committee business.

MEMBERS OF THE COMMITTEE PRESENT:

Garry Breitkreuz,
Joe Comartin,
Hon. Roy Cullen,
Marc Lemay,
Hon. Paul Harold Macklin,
John Maloney,
Richard Marceau,
Hon. Judy Sgro,
Myron Thompson,
Vic Toews,
Mark Warawa
and Borys Wrzesnewskyj.

ACTING MEMBERS PRESENT:

Randy White for Mark Warawa.

IN ATTENDANCE:

Library of Parliament:

Philip Rosen, Principal;
Laura Barnett, Analyst.

House of Commons:

Susan Baldwin, Legislative Clerk;
Wayne Cole, Legislative Clerk.

WITNESSES:

Department of Justice:

Hal Pruden, Counsel, Criminal Law Policy Section;
Catherine Kane, Senior Counsel, Director, Policy Centre for
Victim Issues.

Royal Canadian Mounted Police:

Evan Graham, National Coordinator, Drug Evaluation and
Classification Program.

Diane Diotte, Louise Hayes
Clerks of the Committee

Français

[Close](#)

MINUTES OF PROCEEDINGS

Meeting No. 55

Tuesday, October 25, 2005

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met at 11:10 a.m. this day, in Room 705, La Promenade Building, the Chair, John Maloney, presiding.

Members of the Committee present: Garry Breitkreuz, Joe Comartin, Hon. Roy Cullen, Marc Lemay, Hon. Paul Harold Macklin, John Maloney, Richard Marceau, Hon. Judy Sgro, Myron Thompson, Vic Toews, Mark Warawa and Borys Wrzesnewskyj.

Acting Members present: Randy White for Mark Warawa.

In attendance: Library of Parliament: Philip Rosen, Principal; Laura Barnett, Analyst. *House of Commons:* Susan Baldwin, Legislative Clerk; Wayne Cole, Legislative Clerk.

Witnesses: Department of Justice: Hal Pruden, Counsel, Criminal Law Policy Section; Catherine Kane, Senior Counsel, Director, Policy Centre for Victim Issues. *Royal Canadian Mounted Police:* Evan Graham, National Coordinator, Drug Evaluation and Classification Program.

Pursuant to the Order of Reference of Monday, November 15, 2004, the Committee resumed consideration of Bill C-16, An Act to amend the Criminal Code (impaired driving) and to make consequential amendments to other Acts.

The witnesses answered questions.

It was agreed, — That the clause by clause study of Bill C-16 be postponed until November 3, 2005.

The Committee proceeded to the consideration of matters related to Committee business.

It was agreed, — That the Committee hear more witnesses concerning Bill C-215.

It was agreed, — That a report requesting an extension of thirty (30) sitting days to consider Bill C-215 be prepared.

It was agreed, — That research preparatory work be done on the subject of the corrections and conditional release system with the intent to study it in the new year.

It was agreed, — That the Committee commence its clause by clause study of Bill C-53 after the November 1st meeting.

At 12:46 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte, Louise Hayes
Clerks of the Committee

2005/10/28 10:24 a.m.

E-mail th

HOUSE OF COMMONS OF CANADA
38th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON JUSTICE, HUMAN RIGHTS,
PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Chair: John Maloney, Lib.

Meeting No. 56

Thursday, October 27, 2005

ORDERS OF THE DAY:

Pursuant to Standing Orders 110 and 111, the Committee commenced consideration of the certificate of nomination of Catherine Ebbs to the position of Chairman of the Royal Canadian Mounted Police External Review Committee which was referred to the Committee on Wednesday, September 21, 2005.

The Committee proceeded to the consideration of matters related to Committee business.

MEMBERS OF THE COMMITTEE PRESENT:

Garry Breitkreuz,
Hon. Roy Cullen,
Marc Lemay,
Hon. Paul Harold Macklin,
John Maloney,
Hon. Judy Sgro,
Myron Thompson,
Mark Warawa
and Borys Wrzesnewskyj.

ACTING MEMBERS PRESENT:

Rob Moore for Vic Toews,
and Louis Plamondon for Richard Marceau.

IN ATTENDANCE:

Library of Parliament:

Philip Rosen, Principal.

House of Commons:

Louise Hayes, Committee Clerk.

WITNESS:

As an Individual:

Catherine Ebbs.

Diane Diotte
Clerk of the Committee

MINUTES OF PROCEEDINGS

Meeting No. 56

Thursday, October 27, 2005

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met at 11:13 a.m. this day, in Room 209, West Block, the Chair, John Maloney, presiding.

Members of the Committee present: Garry Breitkreuz, Hon. Roy Cullen, Marc Lemay, Hon. Paul Harold Macklin, John Maloney, Hon. Judy Sgro, Myron Thompson, Mark Warawa and Borys Wrzesnewskyj.

Acting Members present: Rob Moore for Vic Toews and Louis Plamondon for Richard Marceau.

In attendance: Library of Parliament: Philip Rosen, Principal. *House of Commons:* Louise Hayes, Committee Clerk.

Witnesses: As an Individual: Catherine Ebbs.

Pursuant to Standing Orders 110 and 111, the Committee commenced consideration of the certificate of nomination of Catherine Ebbs to the position of Chairman of the Royal Canadian Mounted Police External Review Committee which was referred to the Committee on Wednesday, September 21, 2005.

Catherine Ebbs made a statement and answered questions.

On motion of Roy Cullen, it was agreed, — That the Chair report to the House that this Committee has examined the qualifications and competence of Catherine Ebbs as Chairman of the Royal Canadian Mounted Police External Review Committee and finds her competent to perform the duties of the position to which she has been nominated.

By unanimous consent, after debate, the question was put on the motion and it was agreed to.

At 11:59 a.m., the sitting was suspended.

At 12:00 p.m., the sitting resumed.

The Committee proceeded to the consideration of matters related to Committee business.

Garry Breitkreuz moved, — That the Standing Committee on Justice and Human Rights investigate the compensation claim by Lloyd Schrier with respect to brainwashing experiments he was subjected to at the hands of psychiatrist Ewen Cameron at the Allan Memorial Institute in Montreal and, further, that the Committee report to the House with their findings and recommendations.

After debate, the question was put on the motion and it was agreed to, by a show of hands: YEAS: 6; NAYS: 4.

Roy Cullen moved, — Pursuant to Standing Order 97.1(3)a), the Committee is requesting an extension of thirty sitting days to consider Bill C-215.

After debate, the question was put on the motion and it was agreed to.

It was agreed, — That the Committee expedite the debate on the study of Bill C-215 before the House December recess.

At 12:55 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte
Clerk of the Committee

2005/10/28 10:04 a.m.

E-mail th

HOUSE OF COMMONS OF CANADA
38th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON JUSTICE, HUMAN RIGHTS,
PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Chair: John Maloney. Lib.

Meeting No. 57

Tuesday, November 1, 2005

ORDER OF THE DAY:

Pursuant to the Order of Reference of Wednesday, September 28, 2005, the Committee resumed consideration of Bill C-53, An Act to Amend the Criminal Code (proceeds of crime) and the Controlled Drugs and Substances Act and to make consequential amendments to another Act.

MEMBERS OF THE COMMITTEE PRESENT:

Garry Breitkreuz,
Joe Comartin,
Hon. Roy Cullen,
Marc Lemay,
Hon. Paul Harold Macklin,
John Maloney,
Richard Marceau,
Hon. Judy Sgro,
Vic Toews
and Mark Warawa.

ACTING MEMBERS PRESENT:

Hon. Lawrence MacAulay for Borys Wrzesnewskyj,
and Rob Moore for Myron Thompson.

IN ATTENDANCE:

Library of Parliament:

Philip Rosen, Principal;
Robin MacKay, Analyst.

House of Commons:

Louise Hayes, Committee Clerk.

WITNESSES:

Canadian Council of Criminal Defence Lawyers:

Peter Copeland, Representative.

Canadian Bar Association:

Heather E. Perkins-McVey, Member at Large, National Criminal
Justice Section;
Joan Bercovitch, Senior Director, Legal and Government Affairs.

Diane Diotte
Clerk of the Committee

Français

Close

MINUTES OF PROCEEDINGS

Meeting No. 57

Tuesday, November 1, 2005

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met at 11:10 a.m. this day, in Room 308, West Block, the Chair, John Maloney, presiding.

Members of the Committee present: Garry Breitkreuz, Joe Comartin, Hon. Roy Cullen, Marc Lemay, Hon. Paul Harold Macklin, John Maloney, Richard Marceau, Hon. Judy Sgro, Vic Toews and Mark Warawa.

Acting Members present: Hon. Lawrence MacAulay for Borys Wrzesnewskyj and Rob Moore for Myron Thompson.

In attendance: Library of Parliament: Philip Rosen, Principal; Robin MacKay, Analyst. *House of Commons:* Louise Hayes, Committee Clerk.

Witnesses: Canadian Council of Criminal Defence Lawyers: Peter Copeland, Representative. *Canadian Bar Association:* Heather E. Perkins-McVey, Member at Large, National Criminal Justice Section; Joan Bercovitch, Senior Director, Legal and Government Affairs.

Pursuant to the Order of Reference of Wednesday, September 28, 2005, the Committee resumed consideration of Bill C-53, An Act to Amend the Criminal Code (proceeds of crime) and the Controlled Drugs and Substances Act and to make consequential amendments to another Act.

Peter Copeland made a statement and answered questions.

The witnesses from the Canadian Bar Association made statements and answered questions.

At 12:46 p.m., the sitting was suspended.

At 12:47 p.m., the sitting resumed *in camera*.

The Committee proceeded to discuss matters related to its business.

It was agreed, — That the proposed budget in the amount of \$25,900, for the study of Bill C-215, be adopted.

At 12:55 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte
Clerk of the Committee

2005/11/02 10:03 a.m.

E-mail th

HOUSE OF COMMONS OF CANADA
38th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON JUSTICE, HUMAN RIGHTS,
PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Chair: John Maloney, Lib.

Meeting No. 58

Thursday, November 3, 2005

ORDERS OF THE DAY:

Pursuant to the Order of Reference of Monday, November 15, 2004, the Committee resumed consideration of Bill C-16, An Act to amend the Criminal Code (impaired driving) and to make consequential amendments to other Acts.

The Committee proceeded to the consideration of matters related to Committee business.

MEMBERS OF THE COMMITTEE PRESENT:

Joe Comartin,
Hon. Roy Cullen,
Marc Lemay,
Hon. Paul Harold Macklin,
John Maloney,
Richard Marceau,
Hon. Judy Sgro,
Myron Thompson,
Vic Toews,
Mark Warawa
and Borys Wrzesnewskyj.

ACTING MEMBERS PRESENT:

Hon. Larry Bagnell for Borys Wrzesnewskyj,
Daryl Kramp for Garry Breitkreuz,

Hon. Gurbax Malhi for Hon. Roy Cullen,
and Rob Moore for Mark Warawa.

IN ATTENDANCE:

Library of Parliament:

Philip Rosen, Principal;
Laura Barnett, Analyst.

House of Commons:

Wayne Cole, Legislative Clerk;
Louise Hayes, Committee Clerk.

WITNESSES:

Department of Justice:

Hal Pruden, Counsel, Criminal Law Policy Section;
Catherine Kane, Senior Counsel, Director, Policy Centre for
Victim Issues.

Royal Canadian Mounted Police:

Evan Graham, National Coordinator, Drug Evaluation and
Classification Program.

Diane Diotte
Clerk of the Committee

MINUTES OF PROCEEDINGS

Meeting No. 58

Thursday, November 3, 2005

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met at 11:10 a.m. this day, in Room 209, West Block, the Chair, John Maloney, presiding.

Members of the Committee present: Joe Comartin, Hon. Roy Cullen, Marc Lemay, Hon. Paul Harold Macklin, John Maloney, Richard Marceau, Hon. Judy Sgro, Myron Thompson, Vic Toews, Mark Warawa and Borys Wrzesnewskyj.

Acting Members present: Hon. Larry Bagnell for Borys Wrzesnewskyj, Daryl Kramp for Garry Breitkreuz, Hon. Gurbax Malhi for Hon. Roy Cullen and Rob Moore for Mark Warawa.

In attendance: Library of Parliament: Philip Rosen, Principal; Laura Barnett, Analyst. *House of Commons:* Wayne Cole, Legislative Clerk; Louise Hayes, Committee Clerk.

Witnesses: Department of Justice: Hal Pruden, Counsel, Criminal Law Policy Section; Catherine Kane, Senior Counsel, Director, Policy Centre for Victim Issues. *Royal Canadian Mounted Police:* Evan Graham, National Coordinator, Drug Evaluation and Classification Program.

The witnesses answered questions.

Pursuant to the Order of Reference of Monday, November 15, 2004, the Committee resumed consideration of Bill C-16, An Act to amend the Criminal Code (impaired driving) and to make consequential amendments to other Acts.

The Committee commenced its clause-by-clause study of the Bill.

The Chair called Clause 1.

Clause 1 carried.

New Clause 1.1,

Vic Toews moved, — That Bill C-16 be amended by adding after line 10 on page 1 the following new clause:

“1.1 The Act is amended by adding the following after section 253:

253.1 (1) Every one commits an offence who operates a motor vehicle or vessel or operates or assists in the operation of an aircraft or of railway equipment or has the care or control of a motor vehicle, vessel, aircraft or railway equipment, whether it is in motion or not, while knowingly and without lawful excuse having in his or her possession, or in any part of the vehicle, vessel, aircraft or railway equipment, a controlled substance as defined in subsection 2(1) of the *Controlled Drugs and Substances Act*.

(2) Subsection (1) does not apply to a person who has in his or her possession, or in any part of a vehicle, vessel, aircraft or railway equipment referred to in that subsection, thirty grams or less of cannabis (marihuana).”

The Chair ruled the proposed amendment inadmissible because it was not relevant to the subject-matter of the bill.

Whereupon, Vic Toews appealed the decision of the Chair.

The question: "Shall the decision of the Chair be sustained?" was put and the decision was overturned, by a show of hands: YEAS: 4; NAYS: 6.

After debate, the question was put on the amendment of Vic Toews and it was agreed to, by a show of hands: YEAS: 7; NAYS: 4.

Clause 1.1 carried by a show of hands: YEAS: 7; NAYS: 4.

On Clause 2,

Joe Comartin moved, — That Bill C-16, in Clause 2, be amended by replacing line 10 on page 2 with the following:

“alcohol in their body, the peace officer”

Debate arose thereon.

The question was put on the amendment of Joe Comartin and it was negatived, by a show of hands: YEAS: 5; NAYS: 6.

Paul Harold Macklin moved, — That Bill C-16, in Clause 2, be amended by

(a) replacing lines 12 and 13 on page 2 with the following:

(a) to perform forthwith physical coordination tests

(b) replacing lines 19 and 20 on page 2 with the following:

(b) in the case of alcohol, to provide forthwith a

(c) replacing, in the English version, lines 31 to 35 on page 2 with the following:

officer may, by demand made as soon as practicable, require the person

(a) to provide, as soon as practicable,

(d) replacing, in the English version, lines 21 to 23 on page 3 with the following:

as practicable, require the person to submit, as soon as practicable, to an evaluation conducted by an

(e) replacing, in the English version, lines 34 to 37 on page 3 with the following:

ing officer may, by demand made as soon as practicable, require the person to provide, as soon as practicable, a sample of breath that, in the

(f) replacing, in the English version, lines 1 to 3 on page 4 with the following:

made as soon as practicable, require the person to provide, as soon as practicable,

After debate, the question was put on the amendment of Paul Harold Macklin and it was agreed to.

Richard Marceau moved, — That Bill C-16, in Clause 2, be amended by adding after line 25 on page 2 the following:

“(2.1) For greater certainty, a peace officer may make a video recording of a performance of the physical coordination tests referred to in paragraph (2)(a).”

After debate, the question was put on the amendment of Richard Marceau and it was agreed to.

Clause 2, as amended, carried.

Clauses 3 and 4 carried severally.

On Clause 5,

Paul Harold Macklin moved, — That Bill C-16, in Clause 5, be amended by replacing, in the English version, line 35 on page 5 with the following:

as practicable, give a

After debate, the question was put on the amendment of Paul Harold Macklin and it was agreed to.

Clause 5, as amended, carried.

Clause 6 carried.

On Clause 7,

On motion of Paul Harold Macklin, it was agreed, — That Bill C-16, in Clause 7, be amended by

(a) replacing, in the English version, lines 23 and 24 on page 6 with the following:

(ii) each sample was taken as soon as practicable and, in the

(b) replacing, in the English version, lines 4 and 5 on page 7 with the following:

graph (i) were taken as soon as practicable and in

Clause 7, as amended, carried.

On Clause 8,

On motion of Paul Harold Macklin, it was agreed, — That Bill C-16, in Clause 8, be amended by

(a) replacing line 13 on page 9 with the following:

offence under any of sections 220, 221, 236, 249 and 251 to 253 and subsections 255(2) and (3);

(b) replacing, in the English version, line 15 on page 9 with the following:

any of sections 220, 221, 236, 249 and 251 to 253 and subsections 255(2) and (3), under Part I of the
Aeronautics

(c) replacing, in the English version, line 19 on page 9 with the following:

the use of alcohol or a drug; or

(d) adding after line 19 on page 9 the following:

(c) for the purpose of imposing under the law of a province a penalty in connection with the operation of a motor vehicle, or a legal restriction of a right or privilege to operate a motor vehicle, in a case in which alcohol or a drug is involved.

(e) replacing line 31 on page 9 with the following:

an offence under any of sections 220, 221, 236, 249 and 251 to 253 and subsections 255(2) and (3);

(f) replacing, in the English version, line 33 on page 9 with the following:

under any of sections 220, 221, 236, 249 and 251 to 253 and subsections 255(2) and (3), under Part I of the

(g) replacing, in the English version, line 37 on page 9 with the following:

use of alcohol or a drug; or

(h) adding after line 37 on page 9 the following:

(d) except for the purpose of imposing under the law of a province a penalty in connection with the operation of a motor vehicle, or a legal restriction of a right or privilege to operate a motor vehicle, in a case in which alcohol or a drug is involved.

Clause 8, as amended, carried.

Clauses 9 to 12 inclusive carried severally.

The Title carried.

The Bill, as amended, carried.

ORDERED, — That the Chair report the Bill, as amended, to the House.

ORDERED, — That Bill C-16, as amended, be reprinted for the use of the House at report stage.

At 12:34 p.m., the sitting was suspended.

At 12:36 p.m., the sitting resumed *in camera*.

The Committee proceeded to the consideration of matters related to Committee business.

It was agreed, — That the Committee hear witnesses concerning Bill C-215 on November 17th, 22nd, and 24th and proceed to the clause by clause study on November 29th, 2005.

It was agreed, — That in relation to the study of Bill C-215, the Committee offer the option of videoconference to witnesses from the United States.

It was agreed, — That the Minister of Justice and the Minister of Public Safety and Emergency Preparedness be invited to appear in relation to the Supplementary Estimates A.

At 1:09 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte
Clerk of the Committee

2005/11/07 3:55 p.m.

E-mail th

HOUSE OF COMMONS OF CANADA
38th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON JUSTICE, HUMAN RIGHTS,
PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Chair: John Maloney, Lib.

Meeting No. 59

Tuesday, November 15, 2005

ORDER OF THE DAY:

Pursuant to the Order of Reference of Wednesday, September 28, 2005, the Committee resumed consideration of Bill C-53, An Act to Amend the Criminal Code (proceeds of crime) and the Controlled Drugs and Substances Act and to make consequential amendments to another Act.

MEMBERS OF THE COMMITTEE PRESENT:

Garry Breitkreuz,
Joe Comartin,
Hon. Roy Cullen,
Marc Lemay,
Hon. Paul Harold Macklin,
John Maloney,
Richard Marceau,
Hon. Judy Sgro,
Myron Thompson,
Vic Toews,
Mark Warawa
and Borys Wrzesnewskyj.

IN ATTENDANCE:

Library of Parliament:
Robin MacKay, Analyst;
Philip Rosen, Principal.

House of Commons:

Louise Hayes, Committee Clerk;
Joann Garbig, Legislative Clerk.

WITNESSES:

Department of Justice:

Shawn Scromeda, Counsel, Criminal Law Policy Section.

Diane Diotte
Clerk of the Committee

MINUTES OF PROCEEDINGS

Meeting No. 59

Tuesday, November 15, 2005

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met at 11:14 a.m. this day, in Room 209, West Block, the Chair, John Maloney, presiding.

Members of the Committee present: Garry Breitkreuz, Joe Comartin, Hon. Roy Cullen, Marc Lemay, Hon. Paul Harold Macklin, John Maloney, Richard Marceau, Hon. Judy Sgro, Myron Thompson, Vic Toews, Mark Warawa and Borys Wrzesnewskyj.

In attendance: Library of Parliament: Robin MacKay, Analyst; Philip Rosen, Principal. *House of Commons:* Louise Hayes, Committee Clerk; Joann Garbig, Legislative Clerk.

Witnesses: Department of Justice: Shawn Scromeda, Counsel, Criminal Law Policy Section.

Shawn Scromeda answered questions.

Pursuant to the Order of Reference of Wednesday, September 28, 2005, the Committee resumed consideration of Bill C-53, An Act to Amend the Criminal Code (proceeds of crime) and the Controlled Drugs and Substances Act and to make consequential amendments to another Act.

The Committee commenced its clause-by-clause study of the Bill.

The Chair calls Clause 1.

Clauses 1 to 5 inclusive carried severally.

On Clause 6,

Vic Toews moved, — That Bill C-53, in Clause 6, be amended by deleting lines 20 to 25 on page 6.

After debate, the question was put on the amendment of Vic Toews and it was negatived on division.

Clause 6 carried on division.

Clauses 7 to 10 inclusive carried severally.

On Clause 11,

Marc Lemay moved, — That Bill C-53, in Clause 11, be amended by replacing lines 19 to 22 on page 8 with the following:

“ordered to be forfeited under subsection 462.37(1) or (2.01) or 462.38(2), the Attorney General may,”

After debate, by unanimous consent, the amendment was withdrawn.

Clause 11 carried.

Clauses 12 to 16 inclusive carried on division severally.

The Title carried.

The Bill carried on division.

ORDERED, — That the Chair report Bill C-53 to the House.

At 11:47 a.m., the Committee proceeded to the consideration of matters related to Committee business.

Garry Breitkreuz moved, — Whereas the amendment to Firearms Act section 12(6.1) passed by Parliament in Bill C-10A [Royal Assent: May 13, 2003 Statutes of Canada: 2003, c. 8] has not been implemented due to an inadvertent delay bringing these amendments into force;

And Whereas, the clear intent of Parliament by amending the Firearms Act was to “grandfather” the law-abiding owners of the handguns referred to in section 12(6.1);

And Whereas, the Law and Government Division of the Parliamentary Information and Research Service have confirmed that section 12(6.1) can not be implemented without a further amendment to the Firearms Act;

And Whereas, the Minister of Public Safety has informed the Justice Committee that the government has no intention of bringing in a further amendment to the Firearms Act to implement the intent of Parliament to grandfather these law-abiding handgun owners;

THEREFORE BE IT RESOLVED, that the Justice Committee examine the issue and report to the House with their recommendations with respect to bringing section 12(6.1) of the Firearms Act into full force and effect.

Debate arose thereon.

After debate, the question was put on the motion and it was negatived on the following recorded division: YEAS: Garry Breitkreuz, Joe Comartin, Myron Thompson, Vic Toews, Mark Warawa — 5; NAYS: Roy Cullen, Marc Lemay, Paul Harold Macklin, Richard Marceau, Judy Sgro, Borys Wrzesnewskyj — 6.

It was agreed, — That a Steering Committee meeting take place at the end of the next Committee meeting.

At 12:16 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte
Clerk of the Committee

2005/11/15 3:31 p.m.

E-mail th

HOUSE OF COMMONS OF CANADA
38th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON JUSTICE, HUMAN RIGHTS,
PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Chair: John Maloney, Lib.

Meeting No. 60

Thursday, November 17, 2005

ORDER OF THE DAY:

Pursuant to the Order of Reference of Wednesday, May 4, 2005, the Committee resumed consideration of Bill C-215, An Act to amend the Criminal Code (consecutive sentence for use of firearm in commission of offence).

MEMBERS OF THE COMMITTEE PRESENT:

Garry Breitkreuz,
Joe Comartin,
Hon. Roy Cullen,
Marc Lemay,
Hon. Paul Harold Macklin,
John Maloney,
Richard Marceau,
Hon. Judy Sgro,
Myron Thompson,
Vic Toews,
Mark Warawa
and Borys Wrzesnewskyj.

ACTING MEMBER PRESENT:

Rob Moore for Mark Warawa.

IN ATTENDANCE:

Library of Parliament:

Philip Rosen, Principal;
Robin MacKay, Analyst.

House of Commons:

Louise Hayes, Committee Clerk.

WITNESSES:

Statistics Canada:

Roy Jones, Director, Canadian Centre for Justice Statistics.

Canadian Resource Centre for Victims of Crime:

Steve Sullivan, President.

Diane Diotte
Clerk of the Committee

 [Close](#)

MINUTES OF PROCEEDINGS

Meeting No. 60

Thursday, November 17, 2005

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met at 11:08 a.m. this day, in Room 371, West Block, the Chair, John Maloney, presiding.

Members of the Committee present: Garry Breitkreuz, Joe Comartin, Hon. Roy Cullen, Marc Lemay, Hon. Paul Harold Macklin, John Maloney, Richard Marceau, Hon. Judy Sgro, Myron Thompson, Vic Toews, Mark Warawa and Borys Wrzesnewskyj.

Acting Members present: Rob Moore for Mark Warawa.

In attendance: Library of Parliament: Philip Rosen, Principal; Robin MacKay, Analyst. *House of Commons:* Louise Hayes, Committee Clerk.

Witnesses: Statistics Canada: Roy Jones, Director, Canadian Centre for Justice Statistics. *Canadian Resource Centre for Victims of Crime:* Steve Sullivan, President.

Pursuant to the Order of Reference of Wednesday, May 4, 2005, the Committee resumed consideration of Bill C-215, An Act to amend the Criminal Code (consecutive sentence for use of firearm in commission of offence).

Roy Jones made a statement and answered questions.

At 12:08 p.m., the sitting was suspended.

At 12:11 p.m., the sitting resumed.

On motion of Joe Comartin, it was agreed, — That the meeting of the Subcommittee on Agenda and Procedure be postponed for a week.

Steve Sullivan made a statement and answered questions.

At 1:02 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte
Clerk of the Committee

2005/11/17 4:31 p.m.

[E-mail th](#)

HOUSE OF COMMONS OF CANADA
38th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON JUSTICE, HUMAN RIGHTS,
PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Chair: John Maloney, Lib.

Meeting No. 61

Tuesday, November 22, 2005

ORDER OF THE DAY:

Pursuant to the Order of Reference of Wednesday, May 4, 2005, the Committee resumed consideration of Bill C-215, An Act to amend the Criminal Code (consecutive sentence for use of firearm in commission of offence).

MEMBERS OF THE COMMITTEE PRESENT:

Garry Breitkreuz,
Joe Comartin,
Hon. Roy Cullen,
Marc Lemay,
Hon. Paul Harold Macklin,
John Maloney,
Richard Marceau,
Hon. Judy Sgro,
Myron Thompson,
Mark Warawa
and Borys Wrzesnewskyj.

ACTING MEMBERS PRESENT:

Daryl Kramp for Vic Toews,
and Rob Merrifield for Vic Toews.

IN ATTENDANCE:

Library of Parliament:

Philip Rosen, Principal;
Robin MacKay, Analyst.

House of Commons:

Louise Hayes, Committee Clerk.

WITNESSES:

As an Individual:

Rev. Don Schiemann.

Specialist on Florida "10-20 life program":

Stephen Zaccor, Representative.

Canadian Bar Association:

Adrian Brooks, Member at large, National Criminal Justice
Section;

Tamra L. Thomson, Director, Legislation and Law Reform.

Diane Diotte
Clerk of the Committee

[Français](#)[Close](#)

MINUTES OF PROCEEDINGS

Meeting No. 61

Tuesday, November 22, 2005

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met at 11:04 a.m. this day, in Room 701, La Promenade Building, the Chair, John Maloney, presiding.

Members of the Committee present: Garry Breitkreuz, Joe Comartin, Hon. Roy Cullen, Marc Lemay, Hon. Paul Harold Macklin, John Maloney, Richard Marceau, Hon. Judy Sgro, Myron Thompson, Mark Warawa and Borys Wrzesnewskyj.

Acting Members present: Daryl Kramp for Vic Toews and Rob Merrifield for Vic Toews.

In attendance: Library of Parliament: Philip Rosen, Principal; Robin MacKay, Analyst. *House of Commons:* Louise Hayes, Committee Clerk.

Witnesses: As an Individual: Rev. Don Schiemann. *Specialist on Florida "10-20 life program":* Stephen Zaccor, Representative. *Canadian Bar Association:* Adrian Brooks, Member at large, National Criminal Justice Section; Tamra L. Thomson, Director, Legislation and Law Reform.

Pursuant to the Order of Reference of Wednesday, May 4, 2005, the Committee resumed consideration of Bill C-215, An Act to amend the Criminal Code (consecutive sentence for use of firearm in commission of offence).

Don Schiemann made a statement and answered questions.

Stephen Zaccor made a statement and answered questions.

The witnesses from the Canadian Bar Association made a statement and answered questions.

At 12:55 p.m., the Committee proceeded to the consideration of matters related to Committee business.

At 1:04 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte
Clerk of the Committee

2005/11/22 4:52 p.m.

[E-mail th](#)

HOUSE OF COMMONS OF CANADA
38th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON JUSTICE, HUMAN RIGHTS,
PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Chair: John Maloney, Lib.

Meeting No. 62

Thursday, November 24, 2005

ORDER OF THE DAY:

The Committee proceeded to the consideration of matters related to Committee business.

Pursuant to the Order of Reference of Wednesday, May 4, 2005, the Committee resumed consideration of Bill C-215, An Act to amend the Criminal Code (consecutive sentence for use of firearm in commission of offence).

MEMBERS OF THE COMMITTEE PRESENT:

Garry Breitkreuz,
Joe Comartin,
Hon. Roy Cullen,
Marc Lemay,
Hon. Paul Harold Macklin,
John Maloney,
Richard Marceau,
Hon. Judy Sgro,
Myron Thompson,
Vic Toews,
Mark Warawa
and Borys Wrzesnewskyj.

ASSOCIATE MEMBERS PRESENT:

Derek Lee.

IN ATTENDANCE:

Library of Parliament:

Philip Rosen, Analyst;
Robin MacKay, Analyst.

House of Commons:

Louise Hayes, Committee Clerk;
Jean-Francois Lafleur, Legislative Clerk.

WITNESSES:

Canadian Association of Elizabeth Fry Societies:

Kim Pate, Executive Director.

Church Council on Justice and Corrections:

James Loewen, Member, Board of Directors, Director at Large.

As an Individual:

Kent Roach, University of Toronto.

Canadian Council of Criminal Defence Lawyers:

Andy Rady, Representative.

House of Commons:

Daryl Kramp, Prince Edward—Hastings.

Diane Diotte
Clerk of the Committee

 [Close](#)

MINUTES OF PROCEEDINGS

Meeting No. 62

Thursday, November 24, 2005

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met at 11:09 a.m. this day, in Room 308, West Block, the Chair, John Maloney, presiding.

Members of the Committee present: Garry Breitkreuz, Joe Comartin, Hon. Roy Cullen, Marc Lemay, Hon. Paul Harold Macklin, John Maloney, Richard Marceau, Hon. Judy Sgro, Myron Thompson, Vic Toews, Mark Warawa and Borys Wrzesnewskyj.

Associate Members present: Derek Lee.

In attendance: Library of Parliament: Philip Rosen, Analyst; Robin MacKay, Analyst. *House of Commons:* Louise Hayes, Committee Clerk; Jean-Francois Lafleur, Legislative Clerk.

Witnesses: Canadian Association of Elizabeth Fry Societies: Kim Pate, Executive Director. *Church Council on Justice and Corrections:* James Loewen, Member, Board of Directors, Director at Large. *As an Individual:* Kent Roach, University of Toronto. *Canadian Council of Criminal Defence Lawyers:* Andy Rady, Representative. *House of Commons:* Daryl Kramp, Prince Edward—Hastings.

The Committee proceeded to the consideration of matters related to Committee business.

Mark Warawa moved, — The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness cease hearing witnesses for the study of Bill C-215 on Thursday, November 24, 2005 and that the Committee begin and conclude clause by clause consideration of Bill C-215 on Monday, November 28, 2005.

After debate, the question was put on the motion and it was agreed to on the following recorded division: YEAS: Garry Breitkreuz, Joe Comartin, Myron Thompson, Vic Toews, Mark Warawa, Borys Wrzesnewskyj — 6; NAYS: Roy Cullen, Marc Lemay, Paul Harold Macklin, Richard Marceau, Judy Sgro — 5.

Pursuant to the Order of Reference of Wednesday, May 4, 2005, the Committee resumed consideration of Bill C-215, An Act to amend the Criminal Code (consecutive sentence for use of firearm in commission of offence).

The witnesses made statements and answered questions.

At 1:17 p.m., the sitting was suspended.

At 1:22 p.m., the sitting resumed.

Daryl Kramp made a statement and answered questions.

At 1:45 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte
Clerk of the Committee

2005/11/24 3:45 p.m.

E-mail th

HOUSE OF COMMONS OF CANADA
38th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON JUSTICE, HUMAN RIGHTS,
PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Chair : John Maloney Lib.

Meeting No. 63

Monday, November 28, 2005

ORDER OF THE DAY:

Pursuant to the Order of Reference of June 7, 2005 and June 27, 2005, the Committee commenced consideration of the study on the process for appointment to the Federal Judiciary.

Pursuant to the Order of Reference of Wednesday, May 4, 2005, the Committee resumed consideration of Bill C-215, An Act to amend the Criminal Code (consecutive sentence for use of firearm in commission of offence).

MEMBERS OF THE COMMITTEE PRESENT:

Garry Breitkreuz,
Joe Comartin,
Marc Lemay,
Hon. Paul Harold Macklin,
John Maloney,
Richard Marceau,
Myron Thompson,
Vic Toews,
Mark Warawa
and Borys Wrzesnewskyj.

ACTING MEMBERS PRESENT:

Hon. David A. Anderson for Hon. Roy Cullen,
and Hon. Paul DeVillers for Hon. Judy Sgro.

IN ATTENDANCE:

Library of Parliament:

Philip Rosen, Principal;
Robin MacKay, Analyst.

House of Commons:

Jean-Francois Lafleur, Legislative Clerk;
Louise Hayes, Committee Clerk.

Diane Diotte
Clerk of the Committee

MINUTES OF PROCEEDINGS

Meeting No. 63

Monday, November 28, 2005

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met, *in camera*, at 11:19 a.m. this day, in Room 371, West Block, the Chair, John Maloney, presiding.

Members of the Committee present: Garry Breitkreuz, Joe Comartin, Marc Lemay, Hon. Paul Harold Macklin, John Maloney, Richard Marceau, Myron Thompson, Vic Toews, Mark Warawa and Borys Wrzesnewskyj.

Acting Members present: Hon. David A. Anderson for Hon. Roy Cullen and Hon. Paul DeVillers for Hon. Judy Sgro.

In attendance: Library of Parliament: Philip Rosen, Principal; Robin MacKay, Analyst. *House of Commons:* Jean-Francois Lafleur, Legislative Clerk; Louise Hayes, Committee Clerk.

Pursuant to the Order of Reference of June 7, 2005 and June 27, 2005, the Committee commenced consideration of the study on the process for appointment to the Federal Judiciary.

It was agreed, — That the report of the Subcommittee on the Process for appointment to the federal judiciary, as amended, be adopted as the Eighteenth Report of the Committee.

It was agreed, — That the Chair present the report, as amended, to the House.

At 11:24 a.m., the sitting was suspended.

At 11:28, the sitting resumed *in public*.

Pursuant to the Order of Reference of Wednesday, May 4, 2005, the Committee resumed consideration of Bill C-215, An Act to amend the Criminal Code (consecutive sentence for use of firearm in commission of offence).

The Committee commenced its clause-by-clause study of the Bill.

The Chair calls Clause 1.

On Clause 1,

Borys Wrzesnewskyj moved, — That Bill C-215, in Clause 1, be amended by replacing lines 8 to 26 on page 1 with the following:

“offence and liable to imprisonment for a term not exceeding fourteen years and to a minimum punishment of imprisonment for a term of one year and to an additional minimum punishment of imprisonment for a term of

(a) five years if the firearm is not discharged in the commission of the offence or during flight after

committing the offence; or

(b) ten years if the firearm is discharged in the commission of the offence or during flight after committing the offence.

(3.1) Every person who commits an offence under subsection (2) is guilty of an indictable offence and liable to imprisonment for a term not exceeding fourteen years and to a minimum punishment of imprisonment for a term of one year and to an additional minimum punishment of imprisonment for a term of five years.”

After debate, the question was put on the amendment of Borys Wrzesnewskyj and it was agreed to on division.

Borys Wrzesnewskyj propose to move, — That Bill C-215, in Clause 1, be amended by adding after line 26 on page 1 the following: “(3.2) The court shall impose an appropriate sentence of imprisonment for a term of at least the required minimum term unless the court is of the opinion that there are exceptional circumstances relating to the offence or to the offender which justify its not doing so.”

The Chair ruled the proposed amendment inadmissible as well as the following amendments: Lib 3, Lib 4, Lib 6, Lib 8, Lib 10, Lib 12, Lib 14, Lib 16, Lib 18 and Lib 20, since they exceed the scope and principle of the Bill, as provided on page 654 of the House of Commons Procedure and Practice

Clause 1, as amended, carried on the following recorded division: YEAS: Garry Breitkreuz, Joe Comartin, Myron Thompson, Vic Toews, Mark Warawa, Borys Wrzesnewskyj — 6; NAYS: David A. Anderson, Paul DeVillers, Marc Lemay, Paul Harold Macklin, Richard Marceau — 5.

Clause 2 carried on the following recorded division: YEAS: Garry Breitkreuz, Joe Comartin, Myron Thompson, Vic Toews, Mark Warawa, Borys Wrzesnewskyj — 6; NAYS: David A. Anderson, Paul DeVillers, Marc Lemay, Paul Harold Macklin, Richard Marceau — 5.

On Clause 3,

Borys Wrzesnewskyj moved, — That Bill C-215, in Clause 3, be amended by replacing lines 37 to 41 on page 2 and lines 1 to 7 on page 3 with the following:

“the offence, or

(ii) ten years if the firearm is discharged in the commission of the offence or during flight after committing the offence; and”

After debate, the question was put on the amendment of Borys Wrzesnewskyj and it was agreed to on division.

Clause 3, as amended, carried on division.

On Clause 4,

Borys Wrzesnewskyj moved, — That Bill C-215, in Clause 4, be amended by replacing lines 20 to 30 on page 3 with the following:

“the offence, or

(ii) ten years if the firearm is discharged in the commission of the offence or during flight after committing the offence; and”

After debate, the question was put on the amendment of Borys Wrzesnewskyj and it was agreed to on division.

Clause 4, as amended, carried on division.

On Clause 5,

Borys Wrzesnewskyj moved, — That Bill C-215, in Clause 5, be amended by replacing lines 6 to 8 on page 4 with the following:

“(d) five years if no person is thereby caused bodily harm or death; and

(e) ten years if any person other than the”

After debate, the question was put on the amendment of Borys Wrzesnewskyj and it was agreed to on division.

Clause 5, as amended, carried on division.

On Clause 6,

Borys Wrzesnewskyj moved, — That Bill C-215, in Clause 6, be amended by deleting lines 28 to 33 on page 4.

After debate, the question was put on the amendment of Borys Wrzesnewskyj and it was agreed to on division.

Clause 6, as amended, carried on division.

On Clause 7,

Borys Wrzesnewskyj moved, — That Bill C-215, in Clause 7, be amended by replacing lines 4 to 14 on page 5 with the following:

“the offence, or

(ii) ten years, if the firearm is discharged in the commission of the offence or during flight after committing the offence; and”

After debate, the question was put on the amendment of Borys Wrzesnewskyj and it was agreed to on division.

Clause 7, as amended, carried on division.

On Clause 8,

Borys Wrzesnewskyj moved, — That Bill C-215, in Clause 8, be amended by replacing lines 27 to 37 on page 5 with the following:

“the offence, or

(ii) ten years if the firearm is discharged in the commission of the offence or during flight after committing the offence; and”

After debate, the question was put on the amendment of Borys Wrzesnewskyj and it was agreed to on division.

Clause 8, as amended, carried on division.

On Clause 9,

Borys Wrzesnewskyj moved, — That Bill C-215, in Clause 9, be amended by replacing lines 11 to 21 on page 6 with the following:

“the offence, or

(ii) ten years if the firearm is discharged in the commission of the offence or during flight after committing the offence; and”

After debate, the question was put on the amendment of Borys Wrzesnewskyj and it was agreed to on division.

Clause 9, as amended, carried on division.

On Clause 10,

Borys Wrzesnewskyj moved, — That Bill C-215, in Clause 10, be amended by replacing lines 34 to 44 on page 6 with the following:

“the offence, or

(ii) ten years if the firearm is discharged in the commission of the offence or during flight after committing the offence; and”

After debate, the question was put on the amendment of Borys Wrzesnewskyj and it was agreed to on division.

Clause 10, as amended, carried on division.

On Clause 11,

Borys Wrzesnewskyj moved, — That Bill C-215, in Clause 11, be amended by replacing lines 13 to 23 on page 7 with the following:

“the offence, or

(ii) ten years if the firearm is discharged in the commission of the offence or during flight after committing the offence; and”

After debate, the question was put on the amendment of Borys Wrzesnewskyj and it was agreed to on division.

Clause 11, as amended, carried on division.

On Clause 12,

Joe Comartin moved, — That Bill C-215 be amended by adding after line 23 on page 7 the following new clause:

“12. The amendments made by this Act cease to have effect on the day that is five years after the day on which this Act comes into force or, if Parliament is not then in session, on the day that is 90 days after the commencement of the next ensuing session.”

After debate, the question was put on the amendment of Joe Comartin and it was agreed to on the following recorded division: YEAS: Garry Breitkreuz, Joe Comartin, Myron Thompson, Vic Toews, Mark Warawa, Borys Wrzesnewskyj — 6; NAYS: David A. Anderson, Paul DeVillers, Marc Lemay, Paul Harold Macklin, Richard Marceau — 5.

Clause 12 carried on division.

The title carried on division.

The question: "Shall the Bill carry, as amended?" was put and was agreed to on the following recorded division: YEAS: Garry Breitkreuz, Joe Comartin, Myron Thompson, Vic Toews, Mark Warawa, Borys Wrzesnewskyj — 6; NAYS: David A. Anderson, Paul DeVillers, Marc Lemay, Paul Harold Macklin, Richard Marceau — 5.

It was agreed on division, — That the Chair report Bill C-215, as amended, to the House.

ORDERED, — That Bill C-215, as amended, be reprinted for the use of the House at report stage.

At 12:05 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte
Clerk of the Committee

2005/11/30 12:21 p.m.

E-mail th

